PEOPLE'S POCKET SERIES NO. 217
Edited by E. Haldeman-Julius

Soviet Marriage Laws

APPEAL PUBLISHING COMPANY
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Code of Labor Laws

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Complete text of first code of laws of the Russian Socialist Federal Soviet Republic dealing with Civil Status and Domestic Relations, the Family and Guardianship.

INTRODUCTION

This First Code of Laws of the Russian Soviet Republic relating to Civil Status and Domestic Relations was adopted by the All-Russian Central Executive Committee on September 16, 1918. It follows out the principles expressed in two decrees on marriage and divorce of December 18, 1917, and a decree of April 27, 1918, abolishing the right of inheritance.

The editor in chief of the Collegium of Laws, A. G. Hoichbarg, in a preface to an edition of the Code published by the People's Commissariat of Justice at Moscow, writes:

"It is to be understood that in publishing its codes the government of the proletariat engaged in establishing Socialism in Russia does not aim to make them of long duration. It does not desire to establish 'eternal codes.' It would not emulate the bourgoeisie, who have always sought to strengthen their position with the help of such eternal codes. . . The proletariat government constructs its laws so that each day of their existence should make their continuance less necessary. . . . For example, the Soviet Constitution, based upon the principle of political supremacy and dictatorship of the proletariat, is so made that each day of its application, shattering the resistance and organization of the classes of the former oppressors and uniting the formerly oppressed,

thus lessens the necessity for this form of constitution, for this forced political supremacy, and for compulsory political supremacy in general. . . . The proletarian power frankly acknowledges that its laws should not be lasting, that they are made to meet the needs of a period of transition, the duration of which it fervently desires to shorten. This period of transition is unavoidable; we may adopt measures to shorten its duration, but we can not leap across it."

So in this code of laws relating to civil status and domestic relations there may be discerned three strains which mark them as the characteristic expression of the proletarian power in its struggle to bridge the transition from the old order to the new. There are, first, those aggressively revolutionary provisions aimed at the destruction of the old order; secondly, there are the temporary expedients which, while recognizing the stubborn survival of old conditions within the new order, operate to accelerate their disappearance; and finally, there are here also truly socialistic forms, the constructive foundations of the new organization. In the first category, among the aggressively revolutionary features of this code, are the sharp blows struck against old oppressions, against ancient class privileges and barbaric taboos. Such are the clauses aimed against the domination of human relations by the temporal power of a corrupt clergy, the provisions for the abolishment of inheritance, the recognition of the so-

cial obligation for the care of children, the re-establishment of the family on the basis of descent, and the removal of the cruel discriminations against so-called "illegitimate" children. These provisions, to be sure, are not all essentially socialistic. Certain reforms in these directions have been accomplished in the bourgeois states of the west. But in Russia it was left to the proletariat to accomplish many revolutionary changes which the bourgoeisie had failed to accomplish. The western reader, who is at least familiar with, if not altogether habituated to, such ideas as the separation of Church and State, equality of the sexes, and the recognition of the rights of "illegitimate" children, must be constantly reminded of the heavy burden laid upon the Russian proletariat by the economic and social backwardness of the country at the moment of the revolution. The full significance of such an achievement as this code can only be realized in the light of these special difficulties involved in the proletarian struggle in Russia. The Russian workers had not only to destroy capitalism; they had also to attack the remnants of feudalism which the Russian bourgeoisie had been too inert and too timid to disturb. Their success in this double task is the measure of their creative strength and ability.

Only time and experience will show how many of the provisions of this code belong to the transitional category, features which are destined to vanish with the more perfect es-

tablishment of the socialist order. In certain clauses, however, there is clearly to be discerned a conscious recognition of conditions and habits of life surviving from the old order. Such survivals are inevitable at this time when neither the economic nor the psychological transformation is complete. There are provisions respecting property and income which will inevitably be subject to obsolescence or amendment. The law of guardianship, essentially revolutionary as it is, is yet no more than a first tentative approach to the realization of collective responsibility for the care of the young. The laws of marriage and divorce still bear traces of the passing order, frank and sensible acknowledgment of the existence of certain economic and psychological conditions only to be overcome when the complete change is accomplished.

The case of the marriage laws affords an excellent illustration of the peculiar problem which confronted the Russian proletariat, and of the method in which that problem was met. Certain critics have come forward to argue that there is nothing very revolutionary in substituting registration by the civil authorities for the religious ceremony. Why abolish the church marriage only to substitute a state marriage? The answer is that this present marriage law is at once the most revolutionary and the most socialistic which could be devised to meet the special circumstances. The alternative would have been to have abolished the religious ceremony as a legal re-

quirement and to have omitted the civil contract. But this would have left marriage merely where it was before, in the hands of the church, the prey of ancient superstitions and clerical domination. On the other hand, by substituting civil registration for the religious ceremony as the required form, a formidable blow was struck at clerical control. It should be noted, of course, that the present law in no way interferes with the right of those who desire to be married by religious ceremony. (The parties may, as is the custom in France, where only civil marriages are valid, supplement the civil contract with the religious ceremony.) But the religious ceremony is shorn of its legal significance and obligation, and is replaced by a wholly new form. This is more effectively revolutionary than it would have been to have left the supremacy of the church uncontested in this field. The law, however, goes further than this. It abolishes all the old feudal impediments to marriage, such as differences in faith and other religious prohibitions which were enforced under the old regime. The reformation of the divorce law was one of the revolutionary changes left for the Russian proletariat to accomplish. The marriage law as it stands in this code no doubt awaits revision in the light of experience gained in the new order. The framers of the law would claim no more than that by freeing both men and women from the oppressive tyranny of the old bourgeois and feudal concepts of the marriage relation, they

have opened the way to further progress.

As belonging to the third class of provisions contained in the code, the first beginnings of new forms, emerging into view even before the old forms have been completely destroyed, we must count the careful arrangements for the registration of vital statistics, for a scientific computation of social factors. Here we get a glimpse of a governmental function which is statistical and informative rather than magisterial and repressive. As A. G. Hoichbarg, in his preface quoted above, remarks, "the registration of vital statistics, particularly of birth and death, and especially the central bureau engaged in the constant registration of the whole living population, on the basis of information collected by the local bureaus, would seem to be indispensable even in the perfect socialist society, in which the constant computation of the population, with scientific study of the causes of death, of migration, of under or over population, and the adjustment or correction of these conditions, would appear to be even more essential than in the past." It is true, of course, that the collection of vital statistics is not in itself an innovation of the proletarian revolution. It has been practiced in varying degrees of thoroughness and sincerity in bourgeois states. How far these states have been able or willing to draw useful or honest conclusions from such statistics as they have gathered is an interesting subject for study. And how far they have been able or willing to act, and in what direc-

tion they have acted, upon such conclusions as have been drawn, is an even more significant question upon which we cannot dwell here. There will be discerned at first glance, however, in this code, as well as in other codes formulated by the proletarian power, a wholly new attitude towards this statistical function, a new appreciation and elevation of its dignity, as though here were something most important, something that mattered. In this tentative form we see the beginning of an important function in the computation and appraisement of social statistics which will survive and achieve its highest place in the society which sincerely appreciates and can freely utilize such knowledge.

The interested student will discover for himself many other provisions in the code which are essentially conditioned upon the new order, provisions constructively socialist as distinguished from those less permanent but no less important measures which are purely militant blows in the class struggle, or that other class of transitional features bridging the gap from the old to the new. The intermingling of the three strata in this code will leave an instructive record for the historian, who will learn from them, as the geologist learns from the overlapping rock formations, the various stages of the revolutionary struggle.

The code is a superb rebuke to those psychopathically afflicted persons who spread the sickly tattle about "'nationalization of women." The laws are perhaps distinguished

above all else by their recognition of the rightful social function and economic status of women. They may be searched from beginning to end without disclosing any trace of the old economic, political and legal discriminations between the sexes. The slate is wiped clean. Nothing remains of the ancient slavery or the old taboos. This in itself, to be sure, is no complete solution of the "woman question." No law can annihilate custom and prejudice. That must be left to other processes. But this code opens the way. "It establishes," says Hoichbarg, "absolute equality of men and women before the law. So far as it is possible to free women in the period of transition before the complete establishment of socialism this law frees her and enables her the more readily to accept the principles of socialism which will ultimately free her." Moreover, it will be seen that the code does not rest with a mere tacit assumption of the economic equality of the sexes. It does more than merely ignore the old discriminations. It contains certain clauses definitely aimed to destroy the effect of those customs which tended to oppress women.

In marriage and divorce and with respect to children, the code establishes equal and mutual rights and obligations for men and women. The woman's economic rights and her private possessions are carefully protected against any operation of bourgoeisie and feudal discriminations and usurpations. "Marriage does not establish community of proper-

ty between the married persons" (Section 105.) In order that the intention of this clause shall not be set aside by private agreement obtained under the pressure of the old customs which operated to diminish the wife's economic rights, a succeeding clause provides that "agreements concluded between married persons tending to impair the rights of the husband or the wife over his or her properties shall be deemed void and not binding upon any persons whatsoever including the parties to said agreement" (Section 106.) Another provision deals a death blow to the old concept of the slave wife: "The change of residence by one of the parties to a marriage shall not impose an obligation upon the other party to follow the former" (Section 104). The law provides that parental authority over the children shall be exercised by the parents jointly and refers disagreements to the local courts (Sections 150, 152.)

The family is re-established upon the basis of actual descent. No distinction is made, either in respect to parents or children, between the rights and duties assumed in marriage and those incurred by a union outside of marriage. The cruel discriminations against "illegitimate" children are swept away in one stroke. "Children descending from parents who are not married have equal rights with those descending from parents living in registered marriage" (Section 133.) This provision is made retroactive to restore their natural rights to children born out of

marriage previous to the enactment of the code. "The right to establish the actual descent of a child is reserved to the interested parties, including the mother" (Section 136.) The rights of children of unmarried parents are safeguarded by the provisions of a special register for recording parentage in such cases. Full obligation is imposed upon the unmarried father for his equal share with the mother in the expenses connected with the gestation, delivery, and subsequent maintenance of the child (Sections 140-144.)

The law at every stage gives careful attention to the protection of the children in their personal and economic rights. Parents are obliged to keep their children with them and are responsible for their care and education and their "instruction in useful activity" (Sections 154-156.) Further than that, "parents are responsible for the protection of the personal interests and economic rights of their children" (Section 155.) As we have seen above, disagreements in the exercise of parental authority must be referred to the local courts. In other respects, also, the children are protected from becoming the unhappy victims of parental disputes. If the parents agree, they may decide what religious belief shall be professed by their children under the age of 14; but in default of agreement between the parents, the children shall be considered to profess no religion until they reach an age at which they can determine the question for themselves (Section 148.) In the

case of parents living apart who cannot agree with which one the children shall live, the matter is to be decided by the local court (Section 158.) Parents may not contract for the employment of any of their children between the ages of 16 and 18 without the child's consent (Section 157.) Employment of children under 16 is forbidden by the labor laws "Parental authority shall be exercised exclusively for the benefit of the children and in case of misuse the court may deprive the parents of their parental rights" (Section 153.) Suits for the deprivation of parental rights may be brought by representatives of the government or by a private citizen. The loss of parental rights, however, does not absolve the parents from the duty of contributing to the maintenance of the children (Section 169.) The obligations of the parents for the care, education and maintenance of their minor children is accompanied by an equal obligation upon mature children for the maintenance of their parents if the latter are indigent and unable to work, provided the parents are not receiving support from the government (Section 163.) Beyond these mutual obligations for care and maintenance, however, there are no economic privileges established by descent. "Children have no right to the property of their parents, nor parents to the property of their children" (Section 160.)

The right of inheritance, either by law or by will, was abolished by a decree of the All-

Russian Central Executive Committee of April 27, 1918. The provision within the present code for the distribution of a maintenance allowance out of the estate of the deceased to needy relatives who are incapable of work follows a similar provision in that decree and in no wise contravenes the revolutionary principle of the abolition of inheritance. The process of this provision is merely that of an allocation to the needy relatives of a certain amount out of the estate of the deceased, the whole of which reverts to the government. This is an arrangement of convenience in the period of transition before the complete realization of the social obligation for the support of those incapable of their own maintenance. Similarly the earlier decree provided that small properties not exceeding 10,000 rubles should pass to the spouse and relatives of the deceased. Here again there was no recognition of any inalienable right to succession, but merely a convenient method by which the government relieved itself of the trouble of assuming the control and disposition of a great number of small properties. Another provision of the earlier decree is repeated in this code; namely, the recognition of the prior claim of a needy spouse or relatives to contribution out of the estate of the deceased in preference to the claim of any creditor.

Although these clauses obviously fall within the category of provisions which will become superfluous and inoperative with the

more complete achievement of socialism, they have nevertheless a distinctly revolutionary character. Of this portion of the code Hoichbarg says:

"While we were abolishing the private right of inheritance, it was impossible not to take into account the existence of individual families and the fact that free education and maintenance of children by society has not yet been thoroughly accomplished and that the social insurance of all persons incapable of work has not yet been secured. For this reason, until these measures of social security have been realized, there has been preserved a certain form of succession, purely fortuitous and practical, intended to secure the well-being of the spouse and near relatives of the deceased, in so far as they may be in need and unable to work. The security afforded by these provisions, however, is extended to a much larger circle of persons, and with a greater probability of usefulness, than was afforded under the old laws of individualistic inheritance. In the first place, no distinction is made in this respect between relationship established by marriage and relationship by union outside of marriage. By the old laws a child born 'out of wedlock' had some right to be supported by the father during his life time, but on the death of the latter immediately lost all such rights. By the decree annulling the rights of inheritance such a child is secured equal rights with any other children to the receipt of support out of the estate of

the deceased father. Secondly, by the old law it frequently happened that creditors of the deceased, having priority, received the entire estate and the successors nothing. By the decree annulling inheritance, the rights of needy and incapacitated relatives to receive maintenance during their life are justly held more sacred than the rights of the creditors. The latter receive their share only after the claims of the relatives who are unable to work for their own support are satisfied. And, moreover, in satisfying the claims of the latter, regard is given not to the nearness of their relationship but to their respective neediness."

In the careful provisions of the guardianship law there will be found the fundamental conception of the social obligation for the care and security of children. These, too, are merely transitional measures which take into account the practical necessities of the immediate circumstances, and which, while working within the limitations of the present, hold clearly in view the social and psychological goal to be achieved.

In the present translation of the Code no attempt has been made to follow the formalities of English legal rhetoric and terminology. The purpose has been rather to make the text clear and understandable to the ordinary reader.

—The Russian Soviet Government Bureau.
January, 1921.

RECORDS OF CIVIL STATUS AND DOMESTIC RELATIONS

CHAPTER I.

Offices for the Registration of Civil Status and Domestic Relations.

1. Records relating to civil status and domestic relations shall be under the exclusive jurisdiction of the civil authorities of the Bureaus of Vital Statistics.

Note I. Records relating to civil status and domestic relations of Russian citizens abroad shall be under the jurisdiction of the foreign representative of the Russian Republic.

Note II. The registration of births, marriages and deaths occurring on shipboard on the high seas, or in the army engaged in active military operations, shall be the duty of the captain of the ship or the adjutant general of the respective army corps. The said persons shall keep copies of the documents and shall transmit the records at the first opportunity to the nearest Bureau of Vital Statistics which shall then file them with the proper local bureau.

2. The following Bureaus of Vital Statistics are established: (a) the Central Bureau attached to the Local Self-Government

Bureau of the Commissariat of the Interior; (b) the Provincial Bureaus attached to the Soviets of Soldiers' and Workmen's Deputies in the principal cities of a province or territory; (c) the Local Bureaus attached to the Soviets of Soldiers' and Workmen's Deputies in the townships and villages or, in large cities, to the district Soviets.

3. The duties of local Bureaus of Vital Statistics shall comprise: (a) The registration of all events occurring within the territory under the jurisdiction of the respective Soviets which affect a person's civil status, (Sect. 7); (b) the preparation of certified abstracts from the records upon the request of parties interested therein.

4. The duties of provincial Bureaus of Vital Statistics shall comprise: (a) the preparation on the basis of information supplied by the local bureaus of the personal records of citizens registered within the territorial limits of the respective province or territory; (b) the furnishing of information and abstracts from the records; (c) the supervision over the due performance of the work of the local bureaus.

5. The duties of the Central Bureau of Vital Statistics shall comprise: (a) the preparation and the keeping of the general register of persons registered within the territorial limits of the Russian Republic and those Russian citizens who have been registered abroad; (b) the furnishing of information and certified abstracts from the general register;

(c) the general supervision over the due performance of the work of the provincial bureaus and the framing of regulations for the guidance of the said bureaus.

6. The duties of the officials charged with the registration of documents relating to civil status (registrars), their appointment, transfer, and dismissal, as well as their responsibility for the fulfillment of their duties, shall be governed by the general regulations concerning civil servants and persons assisting in the work of governmental institutions.

CHAPTER II.

Forms of Registers.

7. The local Bureaus of Vital Statistics shall keep the following registers: (a) a register of births; (b) a register of deaths; (c) a register of absentees; (d) a register of marriages; (e) a register of divorces; (f) a register of declarations concerning the parentage of conceived, but yet unborn, children; (g) a register, with an alphabetical list, of persons who have changed their names or surnames, inherited or acquired.

Note I. All the registers mentioned in the preceding section shall be kept in accordance with the forms provided by the Central Bureau of Vital Statistics.

Note II. The registers, prepared in accordance with the forms set by the Central Bureau, shall be sent to the local offices with the tape, seal, and signatures of the secretary of the Central Bureau and the chief of the bureau or his assistant, attached thereto.

Note III. The registers shall be kept in accordance with the forms prescribed in the present article, until such time as new forms shall have been worked out by the Central Bureau.

8. Every document relating to a person's civil status or domestic relations shall be entered in the proper register and shall have a

number assigned to it. The annual numeration of every register shall be consecutive.

9. No altering or erasure of words or sentences shall be permitted in the register kept for the recording of documents relating to civil status and domestic relations. Insertions and corrections shall be permitted, provided a clause to that effect shall be appended at the close of the document and the signatures of the parties thereto shall be attached to the same. Alterations shall be made by drawing a thin line across erroneous or superfluous words in such manner that they may still be legible.

10. Each document recorded in the register kept at the local bureau shall be signed by the official making the entry in the register, by the person furnishing the information contained in the document, and by the witnesses, in case the presence of the latter shall be required for the attestation of the said document.

11. Each document recorded in the register, prior to its being signed by the persons mentioned in the previous section, shall be read to them by the official entering the document in the register.

12. The forms of the records, and the abstracts of information mentioned in subdivision (a) of Section 4 shall be prescribed by the Central Bureau of Vital Statistics. The said bureau shall make public these instructions as soon as its organization shall be completed.

13. All the registers of local bureaus and

all personal records kept by the provincial bureaus shall be made in duplicate; one copy of all registers kept in the local bureaus shall remain on file with the respective bureaus, the other shall be transmitted at the close of the calendar year, or at the latest by the 15th of January next ensuing, to the provincial bureau. The personal records shall be similarly transmitted by the provincial bureaus to the Central Bureau.

14. Local bureaus shall immediately report to the provincial bureau any alterations made in the register subsequent to the transmission of the original record and shall send a copy of the page of the register containing the alteration.

15. Entries made in the register may be contested by the interested parties only by proper proceedings in a court of law.

16. An entry made in the register may be corrected solely by an order of the court, excepting that if an error be the result of an obvious oversight it may be corrected by an order of the officers intrusted with supervisory powers.

17. Registers of vital statistics are open to the inspection of all parties, who have the right to obtain duly certified abstracts thereof, on payment of a fee, prescribed by the Central Bureau.

CHAPTER III.

Manner of Registration of Vital Statistics.

18. The register of births shall contain entries of births and of finding of children, as well as of changes in a person's civil status resulting from the establishment of his or her parentage.

19. Notice of the birth or of the finding of a child shall be given within three days from the day on which said event occurred.

Note. The provincial bureaus in the case of far outlying localities may extend the notification period of the present section, provided that the said extension shall not exceed one month.

20. Notification of the place wherein the birth of a child occurred shall be given to the registration bureau, by the parents of the child, or by either of them, or by any other person in whose custody the child may happen to be because of the illness, absence, or death of the parents.

21. Notification shall be made in writing or by oral declaration.

22. The notice shall mention the day, the hour, and the place of birth, the sex of the child, the name given to it, the names, surnames, permanent residence and the age of the parents, and the relative age position of the child as compared with other children of

the same parents.

23. Attached to the notification of birth shall be a note written by the father and mother, each one separately, confirming the parentage of the child.

24. The birth shall be attested by two witnesses, one or both of whom may be the persons making the notification.

25. In case of the birth of twins, separate notices of the birth of each shall be given and the register of births shall contain two separate entries.

26. Notice shall be given of every still-birth and an entry thereof shall be made in the register of births.

Note. Entries of still-births shall be made simultaneously in the registers of births and deaths.

27. Notice of the finding of a child shall be given by the persons by whom the child was found.

28. The notice of the finding of a child shall have appended to it an official report drawn up and attested by the local administrative officials. The official report shall state the time and circumstances under which the child was found, the child's sex, special marks, if any, on its body, the child's apparent age, the articles and documents found on the child, and a certified copy of the contents of the said documents. The official report shall also indicate the name of the institution or the person to whom the child has been or will be entrusted.

29. Immediately on receipt of notification from a competent local court, stating that the parentage of a child has been ascertained and proved, an entry to this effect shall be made in the register of births containing the entry of the birth of the person in question; to-wit, in the column entitled, "Special Remarks."

30. The entry relating to the ascertainment and proof of actual parentage shall contain the title of the court, a transcript of the order of the court, and the date of the said order.

31. The register of deaths shall contain, besides entries of death and the discoveries of dead bodies, entries of judicial decrees in relation to persons declared civilly dead.

32. Notifications of death and of the finding of a dead body shall be made within three days of the date on which said event occurred.

33. Notification of death shall be made by the relative with whom the deceased resided, or by the inmates of his house, or, in the absence of such, by the neighbors, or by the government officials in charge of the institution (hospital, home, prison, etc.) where the death occurred; or by the persons who found the dead body.

34. The notification of death shall contain the name, surname, year of birth, and last place of residence of the deceased, his or her family relations, the year, month, and day of death and the cause of death. It shall also contain the name, surname, and place of residence of the person giving the notice.

35. The notification of death shall be accompanied by a certificate of death attested by a Soviet physician or by the local Soviet authorities.

36. The notification of the finding of a dead body shall have appended thereto, besides the said certificate of a physician, an official report drawn up and attested by the local administrative officials, and containing a detailed account of the circumstances under which the body was found.

37. Any person failing to make, in due time, the notification mentioned in Sections 19 and 32, shall be liable to a fine of not less than 50 rubles.

38. On reaching the conclusion that a person is presumed to be dead, the Court shall notify the respective Bureau of Vital Statistics wherein the entry of the birth of the person presumed to be dead is kept on file.

Note. If the Court shall have no information of the locality wherein the person presumed to be dead was registered, or if such person was registered in the offices of localities which do not at the present time form part of the Russian Republic, the Court shall notify of its decision the Bureau of Vital Statistics in the locality which was the last place of residence of the person presumed to be dead.

39. The entry in the register of the civil death of any person shall also contain the statement that the same has been made in accordance with a decision of a court of law,

which has found that the person in question shall be presumed to be dead. The said statement shall recite the title of the Court in making the decree, the number of the order, and the date thereof.

40. Immediately on receipt of information from the Court to the effect that a person is presumed to be dead an entry concerning the said fact shall be made in the register.

41. The regulations prescribed in Sections 38-40 shall also be applicable to the entries to be made in the Register of Absentees kept for the registration of persons whose absence has been duly established.

42. Local Bureaus of Vital Statistics shall, not later than two days after the making of an entry, furnish transcripts of all records of deaths, and of all orders declaring the civil death of any person, or his absence without trace, to the Councils of Workmen's and Soldiers' Deputies of the village or the township which was the last known place of residence of the person in question.

43. The entries of marriages shall be made in the register kept for that purpose by the officials of the local Bureau of Vital Statistics assigned especially to the registration of marriages.

44. An official, on receipt of the notice stating the intention of the parties to marry and of the additional documents enumerated in Section 59 following, shall inquire what surname the parties to the marriage intend to adopt and shall record the documents in the

register.

45. In case a register of marriages shall be destroyed or otherwise lost, or if for any reason whatsoever the married persons shall be unable to obtain a copy of their marriage certificate, they may make a declaration to the office for the recording of marriages at the place of the residence of both or either of them, stating that they were married on a certain date. A statement signed by the married persons alleging that the register in question has been lost, or that for a sufficient reason they are unable to obtain a copy of their marriage record, shall be deemed sufficient ground for making a new entry of the marriage, and for the issuance of a copy of the record thereof.

46. The notification of divorce, besides being entered in the Register of Divorces, shall also be entered in the Register of Marriages in the column entitled "Special Remarks," on that page thereof wherein the entry of marriage had been made.

47. An entry of a divorce judicially decreed shall be made immediately on receipt of the decree and shall recite the title of the on which the said decree was made.

48. If the petition for the dissolution of marriage in the form prescribed in Section 91 hereafter is delivered directly to the Bureau of Vital Statistics, the proper official shall, prior to the entry of the divorce in the register, ascertain whether the petition for the dissolution of the marriage was made by

both parties thereto.

49. Immediately on receipt of the notification made in accordance with Section 140 following, the names of the parents of the children conceived, but yet unborn, shall be entered in the register kept for that purpose.

50. Changes of names or surnames shall be recorded in the register kept for that purpose on receipt of a declaration duly made to that effect, provided the formalities required by Sections 2 and 3 of the Decree concerning the right of citizens to change their names have been complied with (Manual of Laws and Decrees, 1918, No. 37, Sect. 488.)

51. The said changes in names and surnames shall not only be entered in the register kept for that purpose, but at the request of the interested parties a notice reciting the change of the name or surname shall be inserted in all other registers, as well as in all abstracts which contain information concerning the person whose name or surname has been changed.

TITLE II.

MARRIAGE

CHAPTER I.

Forms of Marriage.

52. Only civil marriages registered with the Bureau of Vital Statistics shall create the rights and duties of husband and wife as provided in the present title. A marriage contracted by a religious ceremony performed by a clergyman shall create no rights or duties for the parties to such marriage unless the same shall be registered according to law.

Note. Church and religious marriages contracted up to December 20, 1917, in conformity with the rules and forms prescribed in Sections 3, 5, 12, 20 and 31 and 90 of the Civil Laws in effect heretofore (the former Compiled Statutes, Vol. X, Part I, edition 1914,) shall be deemed of equal validity with marriages effected by registration.

53. Marriages shall be registered at the local Bureau of Vital Statistics, or where there are no such bureaus, in the notarial divisions of local Soviets.

Note I. The contracting of marriages abroad shall be made before the foreign

representative of Russia, who shall report the same to the Central Bureau of Vital Statistics and shall transmit to the latter a copy of the marriage certificate.

Note II. The contracting of marriages on board a ship on the high seas or in the army while the same is engaged in active military operations shall be made before the officials mentioned in Note II of preceding Section 1.

54. Marriages shall be contracted publicly in a building specially designated for that purpose. From this rule shall be excepted marriages contracted on board a ship on the high seas, in the army engaged in active military operations, as well as in cases when a medical certificate is issued stating that the bridegroom or the bride is incapacitated by illness to appear at the government office.

55. Marriages shall be contracted in the presence of the Chief of the Bureau of Vital Statistics, or his deputy, by whom the entry shall be made; and in the notarial divisions, in the presence of the notary and his secretary.

56. The names of the officials registering marriages shall be made known by publication in the local newspapers and shall be posted in the buildings where marriages are registered.

57. Registration of marriages shall take place on certain days and between certain hours determined and made public by the officials charged with the keeping of said records.

58. The parties intending to marry shall give oral or written notice of said intention to the Bureau of Vital Statistics located nearest to their place of residence.

59. The said notice of intention shall have appended thereto certificates of the identity of the parties to be married and their signatures and a declaration that the said parties are voluntarily entering into marriage and that there are no impediments thereto as set forth in Sections 66-69 following.

Note. The identity of the parties to the marriage may be proved by certificates, documents, witnesses, or by any other means which may be determined by the official in charge.

60. The said official, after making an entry of the marriage in the Register of Marriages, shall read the same to the parties to the marriage and shall declare the marriage to have been contracted according to law.

61. Immediately upon recording the marriage, the official shall, upon the request of the parties thereto, issue to them a certificate of marriage.

62. The marriage shall be deemed in effect from the moment the entry thereof is made in the Register of Marriages.

63. In case notice of the existence of legal impediments to a marriage be received prior to the entry thereof in the Register, the official in charge shall suspend said entry until the matter be determined by the local court. Objections to a marriage which are obviously

groundless may be disregarded by the official without further examination of the matter.

Note. The local courts shall try the suits brought to restrain the contracting of marriages as preferred causes and not later than within three days after the commencement of such suits. No appeal shall lie from the decision of the local court in such a case.

64. Persons making deliberate false statements with a view to preventing the contracting of a marriage shall be liable to prosecution for perjury and to an action for damages caused by their interference.

65. Appeals against a refusal to register a marriage may be brought at any time before the local court within whose jurisdiction the respective Bureau of Vital Statistics is located.

CHAPTER II.

Prerequisites Necessary for Contracting Marriage.

66. Persons intending to marry must have attained the matrimonial age. The matrimonial age shall be sixteen years for females and eighteen years for males.

67. Persons intending to marry must be of sound mind.

68. No person shall be capable of contracting a new marriage who is already living in a state of registered marriage or of unregistered marriage having the same validity as registered marriage.

69. Marriage is prohibited between all relatives in direct line, and between full or half brothers and sisters.

Note. The impediment to marriage between relatives mentioned in this section shall include likewise consanguinity arising from birth out of wedlock.

70. No marriage may be contracted without the mutual consent of the parties thereto.

71. Difference of religion of persons intending to marry shall not be considered an impediment to their marriage.

72. The monastic state, priesthood, or Court, the number of the order, and the date deaconhood shall not be considered impedi-

ments to marriage.

73. A vow of celibacy whether taken by a member of the white or black clergy (*) shall not be considered an impediment to marriage.

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* "Black Clergy" in Russian ecclesiastical terminology means the membership of monastic orders; "White Clergy" means the non-monastic clergy. Under the rules of the Greek-Russian Orthodox Catholic Church a priest is not permitted to marry. This prohibition was evaded by the candidate for priesthood marrying before his ordination. Widowed priests, however, were prohibited from remarrying. (Ed. note.)

CHAPTER III.

Invalidity of Marriage.

74. A marriage may be annulled only in cases determined by law.

75. An action for the annullment of marriage may be commenced by the husband or the wife, or by persons whose interests are affected by the marriage, or by representatives of the government.

76. Actions for the annullment of marriage shall be tried by the local courts which shall proceed in accordance with the rules in effect within their jurisdiction.

77. A marriage shall be deemed void if both or either of the parties thereto had not attained the matrimonial age, except in the following cases:

(a) Where the action for the annullment of the marriage has been commenced by the plaintiff after the attainment of the matrimonial age.

(b) Where subsequent to the marriage children were born or the wife has become pregnant.

78. A marriage shall be considered void if contracted by an insane person, or by a person incapable of acting with discernment or understanding the significance of his or her acts.

79. A marriage shall be void if contracted at a time when one of the parties thereto

was already married, such previous marriage still continuing in force and not having been dissolved by the death of the former husband or wife, or by divorce.

80. In case a marriage be declared void on the ground stated in Section 79, the marriage previously contracted shall remain in force.

81. A marriage shall be deemed void if contracted without the consent of either of the parties thereto, or when such consent was given in an unconscious state or under duress.

82. Ecclesiastical and religious marriages contracted before the 20th of December, 1917, shall be deemed to be void, if the conditions and forms set forth in Sections 3, 5, 12, 20, 28, 31 of the Civil Laws then in effect (Compiled Statutes of the Russian Empire, Vol. X, Part 1, ed. 1914) were not complied with.

Note. Marriages referred to in the preceding section, if contracted in violation of Section 23, Vol. X, Part 1, Compiled Statutes, ed. 1914, then in effect, shall be deemed valid, unless the parties to the marriage be relatives in the direct ascending and descending lines or full or half brothers and sisters.

83. Upon the rendering of a decree declaring the annullment of a marriage, the marriage shall be considered void as from the moment of its contraction.

84. Persons whose marriage was annulled may remarry conformably to the general rules relating to marriage.

CHAPTER IV.

Dissolution of Marriage.

85. Marriage is dissolved by the death of either party thereto or by a decision of a court adjudging either of the parties dead.

86. Marriage may be dissolved by divorce during the lifetime of the parties thereto.

Note. The provisions of the present act relating to divorce shall likewise apply to ecclesiastic and religious marriages contracted up to December 20, 1917.

87. The mutual consent of the husband and wife or the desire of either of them to obtain a divorce shall be considered a ground for divorce.

88. A petition for the dissolution of marriage may be presented orally or in writing and an official report shall be drawn thereon.

89. The petition for the dissolution of marriage must be accompanied by the certificate of marriage, or, in the absence thereof, by a declaration signed by the petitioner to the effect that the parties are married, stating the place where the marriage was performed. The party making the declaration shall be responsible for the accuracy thereof.

90. The petition for the dissolution of marriage shall be presented to the local court having jurisdiction of the district where the parties to the marriage reside, or to any local court chosen by both parties to the action.

If the action for divorce is brought by one of the parties only, the petition shall be presented to the court which has jurisdiction over the residence of the plaintiff or the defendant.

Note. In case the residence of the defendant be unknown and the petition for the dissolution of the marriage is presented to the court having jurisdiction over the place of residence of the plaintiff, the summons shall be issued in the form prescribed for cases where the residence of the defendant is unknown.

91. Where the application for the dissolution of the marriage is made by the mutual consent of both parties, the petition may be presented either to the local court or to the office for the registration of marriages wherein the marriage was originally registered.

92. The chief of the Bureau of Vital Statistics, upon being satisfied that the petition for the dissolution of the marriage has actually been presented by both parties, shall make an entry recording the dissolution of the marriage, and shall deliver to the parties, at their request, a certificate of divorce.

93. Actions for divorce shall be tried by the local judge in public.

94. Every local judge shall fix certain hours, at least once a week, for the trial of actions for divorce.

95. In case both parties or their attorneys appear before the local court, the judge may try the case immediately, provided that such trial shall not interfere with the calen-

dar of that day.

96. Upon the receipt of a petition for dissolution of marriage by mutual consent, the court shall set the day for the examination of the petition and shall give notice thereof to the parties and their attorneys.

97. Upon rendering a decision for the dissolution of a marriage, the judge shall issue to the parties, upon their application, a certificate of divorce, and shall transmit not later than within three days thereafter a copy of his decision to the local Bureau of Vital Statistics, or to any other institution wherein the marriage so dissolved was registered.

98. The decision of the local court in an action for the dissolution of marriage may be appealed from in the usual manner to the Court of Cessation* and shall not take effect until the expiration of the time for appealing to the Court of Cessation, unless the parties to the action have waived their intention to appeal.

99. No action for the dissolution of a marriage shall be commenced after the death of one of the parties thereto or after the annullment of the marriage; a pending action shall be terminated by the death of one of the parties, or by the annullment of the marriage.

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* The Court of Cessation is the French and Russian equivalent of the American court of errors.—(Ed. note.)

CHAPTER V.

Rights and Duties of Spouses.

100. The parties to a marriage shall possess a common surname (a surname by matrimony). At the time of the marriage they shall determine whether they will adopt the husband's (bridegroom's) or wife's (bride's) or their joint surname.

101. The parties to a marriage shall keep their surname by matrimony during the continuance of the state of marriage and also after the dissolution of said state by reason of death or a declaration by the court that one of the parties to the said marriage shall be deemed to be dead.

102. The petition asking for a dissolution of marriage by divorce shall state by what surname the parties to the marriage shall be known thereafter. In default of an agreement between them on this question, the divorced persons shall be known respectively by the surname which each of them bore prior to their marriage.

103. If the parties to a marriage shall be of different citizenship, provided that one of the parties is a Russian citizen, the change in citizenship, if any, shall be made only in accordance with the wishes expressed by the bridegroom or the bride pursuant to the general rules relating to citizenship.

104. The change of residence by one of

the parties to a marriage shall not impose an obligation upon the other party to follow the former.

105. Marriage does not establish community of property between the married persons.

106. Married persons may enter into mutual lawful contracts pertaining to their property. Agreements concluded between married persons tending to impair the rights of the husband or the wife over his or her properties shall be deemed void and not binding upon any person whatsoever including the parties to said agreements.

107. A party to a marriage incapacitated for any work and in a state of need (i. e. unable to provide the minimum living expenses) shall be entitled to receive support from the other party provided the latter shall be able to afford such support.

'108. If one of the parties to a marriage shall refuse to support the other in case of want and inability to work, the latter party shall have the right to apply to the Department of Social Welfare attached to the local Soviet in the place of residence of the defendant whether husband or wife, and request the same to compel the said defendant to provide such support.

109. A petition for the provision of support shall be free of stamp duty and may be presented personally or sent by mail, or may be made orally, in which case it shall be embodied in an official report.

110. The Department of Social Welfare, upon the receipt of such petition, shall summon the plaintiff and the defendant or, should it be convenient, shall communicate with them by mail.

111. The Department of Social Welfare, after making a thorough inquiry and ascertaining the justice of the claims so presented, shall decree that support shall be provided and shall determine the amount and form thereof.

112. The decision of the Department of Social Welfare relating to the provision of support shall be announced in an open session not later than one month from the day of the receipt of the petition.

113. The Department of Social Welfare in determining the amount and the form of the payment for maintenance shall take into consideration the degree of exigency and the petitioner's ability to work, as well as the minimum living wage, as fixed by the collective agreements concluded between workmen and employers in the locality under consideration.

Note. Persons under age, men who have attained the age of 55 years, and women who have attained the age of 50 years, shall be considered, without any additional proof, as incapable of performing any work.

114. The Department of Social Welfare shall not be permitted to make a decision substituting an aggregate sum in lieu of periodical payments for maintenance.

115. The Decision of the Department of Social Welfare relating to the provision of support, the form and the amount thereof, shall be obligatory upon all persons and institutions, shall have the force of a judicial decision and shall be executed in pursuance of the general rules prescribed therefor.

116. Appeals by the interested parties against the decisions of the Department of Social Welfare may be brought at any time in the local courts.

117. The local court in deciding questions pertaining to the payment of support and in determining the amount and form thereof shall take into consideration the principles set forth in Sections 109, 111, and 114 and the general regulations of the legal procedure prescribed for the local people's court.

118. A decision of the local court on any question raised by the appeal shall be subject to a further appeal in accordance with the general rules prescribed therefor.

119. In case either of the married persons shall be in a state of want and shall be unable to work at the time when their marriage shall be terminated by death or by a judicial declaration that one of the parties to the said marriage shall be deemed to be dead, provision for the surviving party shall be made out of the property left by the deceased spouse.

120. Support shall also be granted to a married person indigent and unable to work whose husband or wife has been declared absent.

121. In case the person dead or judicially declared to be dead or absent shall be the owner of a trading or an industrial enterprise the survivor shall be entitled to support derived from the income of the said enterprise, which shall be managed thenceforth by the local Soviet.

122. Petitions pertaining to the provision of support in cases specified in Sections 119 to 121 shall be presented to the Department of Social Welfare attached to the local Soviet at the last place of residence of the person deceased or declared to be dead or absent.

123. In cases of immediate urgency provision for the support of the surviving party to a marriage may be made temporarily by the institution engaged in the preparation of the inventory and valuation of the property left by the deceased.

Note. Notice of payments made by such institution pursuant to this section shall be immediately transmitted to the proper department of social welfare. In case there is a difference of opinion on the question of payment between the said institution and the said department, the matter in dispute shall be transmitted to a local court for due consideration. Payments of support shall be made without interruption until the original order shall be reversed by the court.

124. The Department of Social Welfare in deciding questions pertaining to the provision of support and in determining the

amount and form thereof shall be guided by Sections 110, 111 and 114.

125. The decisions of the Department of Social Welfare may be appealed from at any time by the interested parties by filing a suit in a local court in the form prescribed by law.

126. In case the matter in dispute between the plaintiff and the Department of Social Welfare shall not affect the right to support, but shall merely extend to the question of the amount and form thereof, the payment shall be based on the amount and form ordered by the Department of Social Welfare until such time as the final decision shall be rendered thereon by a court.

127. The institution in charge of the property of a deceased married person may within one month from the date of the said order file an appeal to the People's Commissariat of Social Welfare. In case the Commissariat of Social Welfare shall reverse the order, the matter in dispute shall be transmitted for the consideration of the local court. The filing of the appeal shall not cause any interruption in the provision of support until the final settlement of the matter in dispute shall be arrived at by the People's Commissariat of Social Welfare or the local court.

128. Provision for the support of the husband or wife out of the property of the deceased spouse be made on equal terms with the payments made to the relatives of the deceased, but in preference to the creditors of the estate of the deceased.

129. In case the total estate of the deceased shall not exceed in value 10,000 rubles and shall consist of a house, furniture and working implements for agricultural or trade purposes, the said estate shall be delivered for administration to the surviving spouse who shall dispose of the estate in equal share with the relatives entitled to share in the estate of the deceased.

Note. In case a dispute between the relatives and the spouse of the deceased shall arise pertaining to the administration of the estate mentioned in the present section the matter shall be decided by the local court.

130. The right of a spouse to maintenance in case of indigence and inability to work shall not be affected by a dissolution of the marriage by divorce until such time as a change in the conditions entitling to maintenance have occurred (Section 107 above.)

131. In case the parties to a divorce come to an agreement on the question of support, the court, simultaneously with the rendering of a decision pertaining to the dissolution of marriage, shall determine the amount and form of the payment to be made by one spouse to another.

132. In case of a disagreement between the parties to a divorce, the right of support, the amount and the form thereof, shall be considered in an ordinary law suit by the local court irrespective of the amount involved. Prior to the final settlement of the dispute,

the spouse who is indigent and unable to work shall be paid temporarily in an amount and form as determined by the court which has made the decree dissolving the marriage.

TITLE III.

FAMILY RIGHTS

CHAPTER I.

Descent.

133. Actual descent shall be the basis of the family. No distinction shall be made between the relationship established through marriage and that established by union outside of marriage.

Note I. Children descending from parents who are not married have equal rights with those descending from parents living in registered marriage.

Note II. The provision of the present section extends also to children born outside of marriage before the publication of the decree relating to civil marriage (December 20, 1917.)

134. The persons registered as parents in the register of births are considered respectively as father and mother of the child.

135. In the absence of an entry of the parents of a child or in case of an entry which is incorrect or incomplete, the interested parties have the right to establish their paternity and maternity respectively by court procedure.

Note. Cases relative to descent are under the jurisdiction of the local court.

136. The right to establish the actual descent of a child is reserved to the interested parties, including the mother, even in cases when the persons registered as the parents of a child were, at the moment of its conception or birth, living in a registered marriage or in one of equal validity.

137. Should it be established by examination in court that the entry is false and based upon false testimony of persons pretending to be parents, the parties guilty of false testimony are liable to prosecution for a criminal offense and the entry is declared to be void.

138. The court, not later than three days after its decree takes effect, shall give notice of the judgment declaring an entry void and establishing the actual descent of a child to the Bureau of Vital Statistics where the birth is registered, and the entry is to be corrected accordingly.

139. Evidence of paternity, in case of the father disowning the child, is to be established according to the form prescribed in Sections 140-144.

140. An unmarried woman who becomes pregnant shall give notice not later than three months before the birth of the child to the local Bureau of Vital Statistics of her place of residence, stating the time of conception, the name and residence of the father.

Note. A similar notice may be given by a married woman in case the conceived child does not descend from her registered husband.

141. On the receipt of such a notice, the Bureau of Vital Statistics shall inform the person indicated as the father in the declaration (Section 140), and such person has the right within two weeks from the day of receipt of this information to appeal to the court to set aside the statement of the mother on ground of incorrectness. If the appeal is not made within the term specified, the respective person shall be considered as the father of the child.

142. Suits relating to the establishment of paternity are tried in the ordinary course, but the parties are bound to give true testimony, otherwise they will be held responsible for perjury.

143. Should it be established that the person designated in Section 141 has had such intercourse with the child's mother as to become, according to the natural course of events, the father of the child, the court shall deem him to be the father and at the same time compel him to share in the expenses connected with the gestation, delivery, and maintenance of the child.

144. If the court establishes that the person mentioned in article 141 had intercourse with the child's mother at the time of conception and that at the same time the mother had intercourse with other persons, the court shall summon all the latter as defendants and impose upon them the obligation to share in the expenses as provided in Section 143.

CHAPTER II.

Personal Rights and Duties of Children and Parents.

145. Children born of a registered marriage shall bear the matrimonial surname of their parents. Children born of parents not registered in marriage shall bear the surname of the father or of the mother or both surnames joined. The surnames of such children shall be determined by agreement between the parents, or, failing this, by decision of the court.

146. In case a marriage is dissolved by divorce or declared void, the parents shall determine by a mutual agreement which of the three names mentioned in Section 100 the children shall bear. In default of agreement between the parents, the surname of the child shall be determined by the judge on his own authority, and in case of a dispute between the parents, by the local court.

147. If the parents are citizens of different countries, the citizenship of the children (provided one of the parents is of Russian citizenship) shall be determined by a pre-existing agreement made between the parents and declared by them at the time of the recording of their marriage in the Bureau of Vital Statistics.

Note. In default of an agreement on this matter between the parents, the children shall be considered to be Russian cit-

izens, provided upon their attainment of full age they shall have the right to assume the citizenship of the foreign parent.

148. The parents shall be entitled to decide by agreement the religious beliefs to be professed by their children under 14 years of age. In default of such an agreement between the parents, children under the age of 14 years shall be deemed to profess no religious belief at all.

Note. The agreement between parents mentioned in this section, pertaining to the religious professions of their children, shall be made in writing.

149. The exercise of the right of parental authority over a male child shall terminate on the attainment by the child of 18 years of age and over a female child on the attainment of 16 years of age.

150. Parental authority shall be exercised by the parents jointly.

151. All measures concerning the children shall be taken by the parents, when there is agreement between them in these matters.

152. In case of a disagreement between the parents, the matter in dispute shall be decided by the local courts in the presence of the parents.

153. Parental authority shall be exercised exclusively for the benefit of the children, and in case of misuse the court may deprive the parents of the parental rights.

Note. Suits pertaining to the deprivation of parental authority shall be within

the jurisdiction of the local court and may be brought by representatives of the government or by private citizens.

154. Parents are responsible for the care of their minor children, their education and their instruction in useful activity.

155. Parents are responsible for the protection of the personal interests and economic rights of their children. The parents shall be deemed both legal and general representatives of the children without a special appointment as guardians or trustees.

156. Parents are obliged to keep their children with them and have the right to claim their restitution from anyone who detains them without legal authority or without an order of the court.

157. Parents have the right to decide the manner of upbringing and instruction of their children, but the parents shall not contract for the employment of any of their children between the ages of 16 and 18 without the child's consent.*

158. In case the parents live apart, they shall decide by agreement with which of them their minor children shall live. In default of such agreement the matter shall be determined by the local court.

159. In cases when the court has deprived the parents of their parental rights, the court shall permit the parents to visit their children provided that such visits shall not have a harmful and prejudicial effect upon the children.

CHAPTER III.

Property Rights and Obligations of Children and Parents.

160. Children have no right to the property of their parents, nor parents to the property of their children.

161. Parents shall be bound to provide board and maintenance for their minor children and for children who are indigent and unable to work.

Note. The duties of the parents mentioned in the present section shall be deemed suspended insofar as such children are cared for and sustained by public or governmental institutions.

162. The duty of maintaining children shall be shared equally by both parents. The proportion of maintenance contributed by each parent shall be determined in accordance with their respective means. The sum contributed by each parent shall be not less than one-half of the minimum living allowance fixed for a child in the given locality. A parent unable to contribute the whole of his or her share shall provide a part of the same.

163. Children shall be bound to provide maintenance for their parents who may be indigent and unable to work, provided the parents are not receiving the same from the government in pursuance of the law relating to measures for social security or the law of in-

surance against sickness and old age.

164. In case the parents refuse to provide maintenance for their children, or the children are unwilling to maintain their parents in accordance with the provisions of the foregoing sections 162 to 164, the persons entitled to maintenance have the right to claim the same pursuant to the rules prescribed in foregoing Sections 108 to 118.

165. The rights of children to receive maintenance from their parents and the rights of parents to receive the same from their children in the cases mentioned in sections 161-168 remain even when the marriage of the parents is dissolved either by the death of one of them or by divorce or is declared void.

166. On the dissolution of their marriage by divorce the parents shall determine by mutual agreement their respective responsibility for and the amount each of them shall contribute towards the maintenance and upbringing of their children. The court shall make the decision in this matter a part of the decree of divorce. In case such agreement between the parents is not to the benefit of the children, the children shall have the right to claim from either of the parents the maintenance they are entitled to by law.

167. In default of an agreement between the parents pertaining to the maintenance of their children, the matter shall be decided by the local court. Nevertheless it shall be the duty of the judge decreeing the divorce to decide provisionally, until the final settlement

of the matter by the local court, which of the parents and in what proportion shall bear the expenses of the maintenance.

168. The local court deciding the question of the maintenance of the children shall take into consideration the means and the ability to work of both parents. Furthermore, it shall consider, in case of a mother otherwise capable of work, her inability to work because of the necessity of caring for her children or because of pregnancy.

169. The deprivation of their parental rights does not absolve the parents from the duty of contributing towards the maintenance of their children.

170. On the death of both or either of the parents or on the death of the children, the respective maintenance for the parents or the children who are indigent and unable to work shall be contributed out of the estate of the deceased in pursuance of the rules prescribed by Sections 122 to 128.

Note. The present section shall extend to the cases of persons declared to be dead or absent without trace.

171. In the case provided for in Section 129, the parents and the children shall administer and dispose of the property left by the deceased equally with the other parties entitled to a share in the said estate.

CHAPTER IV.

Rights and Duties of Relatives.

172. Persons in direct ascending or descending lines of affinity, consanguineous or half consanguineous brothers and sisters who may be indigent and unable to work have the right to obtain maintenance from their well-to-do relatives.

Note. No distinction shall be made between the relationships established by legal marriage and those by unregistered union.

173. Relatives in the direct ascending and descending lines and brothers and sisters in their relative order are bound to provide maintenance only in such cases when the indigent persons are not able to obtain the same from spouse, children, or parents on account of absence or indigence.

174. In case such persons refuse to maintain their relatives who are indigent and unable to work, the said relatives have the right to claim the maintenance due to them in accordance with the procedure prescribed in sections 108 to 118.

175. Persons bound to provide maintenance jointly shall bear the responsibility for it in equal proportions, unless the court, on taking due notice of the variance in the means of the said persons or the absence of one of them or on some other worthy consideration,

shall decide that they shall participate in the provision of the maintenance in proportion other than that prescribed herein.

176. In case it shall not be possible to obtain the maintenance from the persons bound to provide the same, the court shall have the right to impose this duty upon the relative next bound in the order of affinity to provide the said maintenance. This next relative shall have the right to recover this charge from the party originally bound to provide the maintenance.

177. The court may secure the provision of a maintenance by a charge upon the property of the person bound to provide the same; likewise the court may secure guarantee for such provision pending the final judgment in the suit for maintenance.

178. Any agreement tending to abrogate the right to maintenance shall be deemed void.

179. On the death of a relative or upon declaration by the court that a relative shall be deemed absent or dead, the persons described in Section 173 shall obtain their maintenance out of the property left by the deceased in pursuance of the rules prescribed in Sections 122 to 128.

180. In case the property mentioned in the previous section shall not be sufficient to provide maintenance for all persons entitled to the same, the maintenance shall preferably be given to the most indigent of them.

181. In the case mentioned in Section 129,

relatives equally with the spouse, the children and the parents of the deceased shall have a concurrent right to administer and dispose of the said estate.

CHAPTER V.

Adoption.

182. Adopted persons, step-children and their descendants, in their relationship towards their adopters, and the latter in relation with the former shall have rights similar to those enjoyed by relatives by blood.

183. The adoption of children, either related or unrelated to their adopters, shall not be permitted after the present law comes into force. No such adoption, made after the date indicated in this section, shall give rise to any duties or obligations for the adopters or the adopted.

TITLE IV.

GUARDIANSHIP

CHAPTER I.

The Organs of Guardianship.

184. The organs of guardianship are those institutions charged with the functions of guardianship either directly or through guardians and trustees.

185. The People's Commissariat of Social Welfare, the Departments of Social Welfare attached to the provincial Soviets, and to the Petrograd and Moscow Municipal Councils shall constitute the organs of guardianship.

Note. The duties of the organs of guardianship, so far as Russian citizens residing abroad are concerned, shall be performed by the foreign representatives of Russia.

186. The duties of the Department of Social Welfare shall comprise the organization of facilities in general for the guardianship of minors and mentally defective persons, as well as the institution, administration and termination of guardianship, and the appointment, dismissal and general supervision over the activity of guardians and trustees.

187. The People's Commissariat of Social Welfare shall direct the organization of fa-

cilities in general for guardianship of minors and mentally defective persons and shall supervise the activities of the local departments of Social Welfare.

188. The guardians, as the legal representatives of their wards, shall protect all the personal and property rights of the said wards.

189. Trustees may be appointed either for the management of the property in general or for the execution of specific acts.

Note. Regulations prescribed for guardians shall also be applicable to trustees insofar as no special rules shall be prescribed for the latter.

CHAPTER II.

The Institution and Termination of Guardianship and Trusteeship.

190. Guardianship shall be instituted to protect the interests of minors and persons mentally defective, and shall be administered either by the Department of Social Welfare or by a guardian especially appointed for such purpose.

191. Male persons not having attained the age of 18 or female persons under the age of 16 shall be deemed to be minors.

Note. Persons who have not attained full age may with their consent be declared to be of full age by special decision of the respective Department of Social Welfare.

192. Every minor not in the care of his or her parents shall have a guardianship instituted over him or her.

193. Mentally defective persons shall have guardianship instituted over them after the fact of such deficiency is duly determined.

Note. Regulations relating to the examination of mentally defective persons are attached thereto.*

194. The Department of Social Welfare located in the place of residence of the persons subject to guardianship shall issue decrees instituting the said guardianship.

195. The Department of Social Welfare

shall be informed in cases mentioned in Section 192 of the necessity to establish a guardianship by the officials and institutions within whose knowledge such information may come or by relatives of the persons subject to guardianship or by such persons themselves.

196. The Department of Social Welfare shall be informed of the necessity to institute a guardianship in cases mentioned in Section 193 by the Medical Department attached to the Provincial Soviet in the place of residence of the person found mentally defective.

197. The Department of Social Welfare may institute a guardianship on its authority in cases when it shall be informed of the necessity to institute such by means other than those mentioned in Sections 195-196.

198. In cases when it shall be established that an adult person, due to old age or to any other infirmity or to inexperience, shall not be able to manage his affairs in an expedient manner or to protect his interests in any specific instance, such adult may petition for the institution of a guardianship over him.

199. On the institution of a guardianship an announcement thereof shall be made in the local newspapers designated for the publication of the same.

Note. The People's Commissariat of Justice shall publish for general information the list of mentally defective persons over whom guardianship has been instituted.

200. Within two weeks after the appear-

ance of the announcement mentioned in Section 199, the interested parties shall have the right to present to the Department of Social Welfare located in their place of residence their objections to the decree for the institution of a guardianship.

201. Guardianship shall be terminated when the cause for its institution shall disappear.

202. Guardianship over minors shall terminate when they become of full age.

203. In cases mentioned in the Note to Section 191 the Department of Social Welfare, upon issuing an order declaring a person to be of full age, shall simultaneously define the date of his becoming of full age and shall publish the order in the local newspapers designated for the publication of the same.

204. The guardianship over mentally defective persons shall be terminated by a decision of the respective Department of Social Welfare upon receipt of notification from the Medical Department that the said person has mentally recovered.

205. Trusteeship shall be terminated by a decision of the respective Department of Social Welfare when the cause for its institution shall disappear.

CHAPTER III.

Appointment and Dismissal of Guardians.

206. The appointment of a guardian in the cases when the Department of Social Welfare shall not itself undertake the duties of guardianship shall be made within one week after the respective Department of Social Welfare shall be informed of the necessity to institute the same.

Note. One guardian may be appointed to take care of the affairs of a single person, or of a number of persons.

207. Persons of full age and capable of performing this function shall be eligible for appointment as guardians.

208. The following persons shall not be eligible for appointment as guardians:

(a) Persons themselves under guardianship.

(b) Persons judicially deprived of civil rights.

(c) Persons whose interests are opposed to the interests of the ward and in particular those who shall exhibit a hostile attitude to the latter.

209. In making an appointment of a guardian, preference shall be given first to the person selected by the ward (providing the latter shall not be mentally defective and has attained the age of 14,) secondly by the mother or father of the said ward, and, in default

of any such persons, by the nearest relatives or the spouse of the said ward.

210. The Department of Social Welfare, in appointing a guardian according to the procedure mentioned in Section 209, shall take into consideration the personal attitude of the said guardian to the ward and the proximity of their places of residence.

211. The person appointed guardian shall be informed immediately in writing of his appointment. An announcement of the appointment shall be made in the local newspapers designated for the publication of the same.

212. All the interested parties shall be entitled to appeal against the decree appointing a certain person as guardian within two weeks after the appearance of the announcement relating to the said appointment. The appeal shall be made to the local court exercising jurisdiction over the territory where the Department of Social Welfare making the appointment is located.

213. Every citizen of the Russian Republic appointed as a guardian by the Department of Social Welfare shall be bound to accept the office.

214. The following shall be entitled to decline the appointment to guardianship.

(a) Persons who have attained the age of sixty years.

(b) Persons who could execute the duties of a guardian only with difficulty on account of some physical defects.

(c) Persons who are exercising their par-

ental authority over more than four children

(d) Persons already appointed as guardians over one person or a number of persons.

215. If one of the causes for the refusal of guardianship mentioned in the previous section shall be applicable to the person appointed as guardian the said person shall signify his refusal within one week after the receipt of notification of his appointment. A person who shall not signify his refusal in the said manner shall be deemed to have accepted the appointment.

216. The Department of Social Welfare on ascertaining that the refusal to accept the appointment as a guardian is well founded, shall appoint another person to the guardianship. Nevertheless, the person first appointed guardian, despite his refusal to accept the said appointment, shall execute the duties of his office prior to the entry of the subsequently appointed guardian upon the duties of the same.

217. The duties of the guardianship shall devolve upon the person appointed to the same by the Department of Social Welfare immediately upon the receipt of the notification of the appointment.

218. The termination of a guardianship or the existence of the conditions mentioned in Section 208 shall operate to suspend the duties of a guardian.

219. An appointment of a guardian may be revoked by a decree of the Department of Social Welfare in those instances when the

said guardian shall be found guilty of neglect or abuse in the execution of his duties, and powers, or when the said guardian shall fulfill the duties of his office in a manner prejudicial to the interests of the ward.

220. Any person, including the ward, may request the revocation of a guardian's appointment by reason of the causes mentioned in the preceding section.

221. The Department of Social Welfare, prior to issuing a decree for the revocation of the guardian's appointment, shall be bound to make an inquiry into the circumstances of the case and shall examine the guardian.

222. If during his continuation in the office any of the causes mentioned in sub-sections a, b and c of Section 214 shall arise, entitling the guardian to the refusal of his guardianship, the said guardian shall apply for his discharge in a manner prescribed by Section 215 foregoing.

CHAPTER IV.

Personal Protection of Wards, Administration of Their Property, and Responsibility of the Organs of Guardianship.

223. It shall be the duty of the Department charged with guardianship or the particular guardians, in their capacity of legal and general representatives of their wards, to protect the personal and economic interests of the latter.

224. The organ of guardianship in charge of a minor shall care for the person of the ward, his education and preparation for useful activity.

225. A guardian appointed to a minor shall be obliged to keep the ward with him and shall be entitled to demand the restitution of the same from any person who shall attempt to detain the said ward unlawfully.

226. The guardian must obtain the consent of the respective Department of Social Welfare in case he desires to place the ward with some other person or institution for education, or in case, the ward having attained the age of 16 years, the guardian, with the consent of the ward, desires to enter into a contract relative to the employment of the latter.

227. The organ of guardianship in charge of a mentally defective person shall protect and support the said person in all personal

matters and shall exercise due care of his health.

228. In case it shall be necessary to place a mentally defective person in a medical institution, the guardian shall so inform the Department of Social Welfare which shall refer the matter to the Medical Department for the appointment of a medical commission. This commission shall determine the necessity of placing the ward in an institution.

229. The organ of guardianship shall discharge its functions relating to the protection of a minor ward without pay, but it shall be reimbursed out of the property of the ward for all expenses incurred in connection with the upbringing, education and medical treatment of the ward, provided the same shall not exceed the total income of the ward.

230. The organ of guardianship shall administer the property of the ward carefully and in a business-like manner.

231. In case a ward shall succeed to an estate as mentioned in Section 129, the organ of guardianship shall administer the property on equal terms with the other persons entitled to participate in the administration and disposition of the said estate.

232. The organ of guardianship in its capacity as the representative of the ward shall be entitled to do all the things which the ward himself could do if he were in possession of full civil rights.

233. A guardian shall not represent a ward when the latter is engaged in a business

transaction with, or is conducting a law suit against, the spouse of the guardian or his relative in the direct ascending or descending lines.

234. A guardian shall not be a party in his own interest to an agreement concerning the property of a ward, nor shall he acquire any interest in claims brought by or against the ward.

235. The payment of debts to the guardian due on transactions entered into by him with the ward prior to his appointment as guardian, shall be made by special permission of the respective Department of Social Welfare.

236. The organ of guardianship in its capacity as the representative of the ward shall not disburse any donations whatsoever.

237. In every year, and not later than on the 15th day of January of the next year following, a guardian shall prepare a written report on the administration of the ward's property insofar as the income from this property shall exceed the minimum living wage for the given locality and shall present the report to the Department of Social Welfare.

238. The Department of Social Welfare may allow a remuneration to the guardian for the administration of the ward's property, taking into consideration:

(a) The net income accruing from the property of the ward;

(b) The financial means of the guardian;

(c) The amount of work done by the

guardian in the administration of the property of the ward.

239. On the termination of the guardianship, the ward shall have the right to claim from the organ of guardianship all the damages and losses caused by bad faith or negligent administration.

240. On the termination of the guardianship a guardian shall prepare and present a special report on his administration.

241. Any person, including the ward, may complain to the Department of Social Welfare of any acts of the guardian pertaining to the care of the ward.

242. Any person, including the ward, shall have the right to complain to the Department of Social Welfare of any acts of the guardian pertaining to the administration of the ward's property.

243. The interested parties shall have the right to appeal to the People's Commissariat of Social Welfare against the decisions of the Department of Social Welfare made upon complaints brought against the guardians.

244. The People's Commissariat of Social Welfare shall examine the appeals brought against the acts or decrees of the Department of Social Welfare not later than within three months from the date of the receipt of the said appeals.

245. In case the People's Commissariat of Social Welfare shall sustain a decision of the Department of Social Welfare, the interested parties shall have the right to contest

the said decision in the manner prescribed by law.

246. The regulations contained in the present chapter shall also apply to the cases when the Department of Social Welfare shall deem it necessary to institute a guardianship for other reasons, particularly in cases of spendthrifts, or in the presence of such circumstances as shall render it dangerous or impossible to leave a given person without a guardianship.

APPENDIX TO SECTION 193

Instructions for Examination of Mentally Defective Persons.

1. Petitions for the examination of persons mentally defective and for the institution of a guardianship shall be presented to the Medical Department, or an office charged with the duties of the same, attached to the local Soviet of the place of residence of the persons to be examined.

2. The said petitions may be presented either by the relatives, guardians, or trustees of the person mentally defective or by the institution employing the said persons, or by the party, union, or other organization of which the said person is a member, or by his neighbors.

3. The Medical Department upon the receipt of the petition requesting such an examination shall appoint a medical commission for the purposes thereof.

4. The said medical commission shall be presided over by the chief of the Medical Department or his assistant and shall consist of not less than three specialist physicians on the staff of the Medical Department or three independent alienist physicians.

Note I. In case a sick person shall be under treatment in a special private or governmental institution, the Medical Com-

mission shall include as a full member the physician of that institution.

Note II. The said Medical Commission shall include as full members, besides the persons mentioned in the present section, the physicians invited by the sick person or by the petitioners for the examination.

5. The Medical Department shall inform the following persons, who are required to be present, of the day, hour and place of the sitting of the Medical Commission: (a) the representative of the Medical Department of the local Soviet; (b) the local public judge selected by the local council of judges; (c) the petitioners for the examination.

6. The said examination shall be made in the building of the Medical Department, whereto the sick person shall be brought by his petitioners. In case it shall not be possible to bring the sick person to the building of the Medical Department, and the unwillingness of the said person to come shall be deemed an impossibility within the meaning of this section, the examination shall be made by the Medical Commission at the place of residence of the sick person and in the presence of all the persons mentioned in the preceding section.

Note. In case the said examination shall be made in a country district, the judicial representative elected by the council of public judges shall be substituted by the local judge.

7. The Medical Commission in determin-

ing the normality of the person under examination shall be entitled to use all the methods approved by medical science for the determination of insanity. The Medical Commission shall have the right in special cases when it shall appear impossible to come to a definite conclusion after the first examination to make a second examination within a certain period of time, or to place the person under examination in a special medical institution for supervision for a period deemed necessary by the Medical Commission.

Detailed minutes of the sittings of the said Commission shall be kept and the results of the examinations shall be embodied in a report signed by all the members of the Medical Commission.

9. Guardianship shall be instituted over the person and the property of a person found to be insane by the Medical Commission and the Medical Department shall inform the organ of guardianship thereof.

Note. The organ of guardianship shall make an announcement of the institution of the gaurdianship in the local newspapers designated for the publication of the same.

10. A petition for the re-examination of the insane person with the view of declaring him to be sane may be presented either by the persons mentioned in Section 2 of the present instructions, or by the medical institution where the sick person has been placed for treatment or by the sick person himself.

11. The re-examination of the insane person with the view of ascertaining his recovery shall be made in accordance with the rules prescribed by sections 1-8 of the present instructions.

12. On the recovery of the sick person, the Medical Department shall inform the organ of guardianship of the termination of the guardianship.

13. The costs incurred in the examination of an insane person and the institution of a guardianship shall be borne by the said person, provided that in case when the latter is indigent the costs shall be borne by the State in the budget of the Medical Department.

Note. The cost incurred by the examination of a person who shall be found by the said examination to be sane shall be borne by the petitioners for the examination.

14. Persons deliberately giving false testimony with a view to obtaining a declaration of a person's insanity, shall be held guilty of perjury.

15. The decision of the Medical Commission declaring a person insane may be appealed from within one month from the date thereof to the Local People's Court of the place of residence of the person declared insane. It shall be within the discretion of the said court either to dismiss the said appeal, or to order the Medical Department to re-examine the person in question by a new medical commission in the presence of the People's

Court.

16. No appeal shall lie from the decisions of the Local People's Court pertaining to appeals against the decrees of the said Medical Commission.

(Signed:)

For the All-Russian Central Executive Committee:

J. SVERDLOV, Chairman,
V. A. AVANESOV, Secretary.

Russian Code of Labor Laws

1. The Code of Labor Laws shall take effect from the moment of its publication in the Compilation of Laws and Regulations of the Workmen's and Peasants' Government. This Code must be extensively circulated among the working class of the country by all the local organs of the Soviet government and be posted in a conspicuous place in all Soviet institutions.

II. The regulations of the Code of Labor Laws shall apply to all persons receiving remuneration for their work and shall be obligatory for all enterprises, institutions and establishments (Soviet, public, private and domestic), as well as for all private employers exploiting labor.

III. All existing regulations and those to be issued on questions of labor, of a general character (orders of individual establishments, instructions, rules of internal management, etc.), as well as individual contracts and agreements, shall be valid only in so far as they do not conflict with this Code.

IV. All labor agreements previously entered into, as well as those which will be entered into in the future, in so far as they contradict the regulations of this Code, shall not be considered valid or obligatory, either for the employes or the employers.

V. In enterprises and establishments where the work is carried on in the form of organized cooperation (section 6, Labor Division A of the present Code) the wage earners must be allowed the widest possible self-government under the supervision of the Central Soviet authorities. On this basis alone can the working masses be successfully educated in the spirit of Socialist and communal government.

VI. The labor conditions in the communal enterprises organized as well as supported by the Soviet institutions (agricultural and other communes) are regulated by special rules of the all-Russian Central Executive Committee and of the Council of People's Commissars, and by instructions of the People's Commissariat of Agriculture and Labor.

The labor conditions of farmers on land assigned them for cultivation are regulated by the Code of Rural Laws.

The labor conditions of independent artisans are regulated by special rules of the Commissariat of Labor.

ARTICLE I.

On Compulsory Law.

1. All citizens of the Russian Socialist Federated Soviet Republic, with the exception stated in sections 2 and 3, shall be subject to compulsory labor.

2. The following persons shall be exempt from compulsory labor:

(a) Persons under 16 years of age;

(b) All persons over 50 years;

(c) Persons who have become incapacitated by injury or illness.

3. Temporarily exempt from compulsory labor are:

(a) Persons who are temporarily incapacitated owing to illness or injury, for a period necessary for their recovery.

(b) Women, for a period of eight weeks before and three weeks after confinement.

4. All students shall be subject to compulsory labor at the schools.

5. The fact of permanent or temporary disability shall be certified after a medical examination by the Bureau of Medical Survey in the city, district or province, by accident insurance offices or agencies representing the former, according to the place of residence of the person whose disability is to be certified.

Note I. The rules on the method of exami-

nation of disabled workmen are appended hereto.

Note II. Persons who are subject to compulsory labor and are not engaged in useful public work may be summoned by the local Soviets for the execution of public work, on conditions determined by the Department of Labor in agreement with the local Soviets of trade unions.

6. Labor may be performed in the form of—

(a) Organized cooperation;

(b) Individual personal services;

(c) Individual special jobs.

7. Labor conditions in government (Soviet) establishments shall be regulated by tariff rules approved by the Central Soviet authorities through the People's Commissariat of Labor.

8. Labor conditions in all establishments (Soviet, nationalized, public and private) shall be regulated by tariff rules drafted by the trade unions, in agreement with the directors or owners of establishments and enterprises, and approved by the People's Commissariat of Labor.

Note. In cases where it is impossible to arrive at an understanding with the directors or owners of establishments or enterprises, the tariff rules shall be drawn up by the trade unions and submitted for approval to the People's Commissariat of Labor.

9. Labor in the form of individual personal service or in the form of individual special

jobs shall be regulated by tariff rules drafted by the respective trade unions and approved by the People's Commissariat of Labor.

ARTICLE II.

The Right to Work.

10. All citizens able to work have the right to employment at their vocations and for remuneration fixed for such class of work.

Note. The District Exchange Bureaus of the Department of Labor Distribution may, by agreement with the respective unions, assign individual wage earners or groups of them to work at other trades if there is no demand for labor at the vocations of the persons in question.

11. The right to work belongs first of all to those who are subject to compulsory labor.

12. Of the classes exempt from compulsory labor, only those mentioned in subdivision "b" of section 2 have a right to work.

13. Those mentioned in subdivisions "a" and "c" of section 2 are absolutely deprived of the right to work, and those mentioned in section 3 temporarily deprived of the right to work.

14. All persons of the female sex, and those of the male sex under 18 years of age, shall have no right to work during night time or in those branches of industry where the conditions of labor are especially hard or dangerous.

Note. A list of especially hard and health-

endangering occupations shall be prepared by the Department of Labor Protection of the People's Commissariat of Labor, and shall be published in the month of January of each year in the Compilation of Laws and Regulations of the Workmen's and Peasants' Government.

ARTICLE III.

Methods of Labor Distribution.

15. The enforcement of the right to work shall be secured through the Department of Labor Distribution, trade unions, and through all the institutions of the Russian Socialist Federated Soviet Republic.

16. The assignment of wage earners to work shall be carried out through the Department of Labor Distribution.

17. A wage earner may be summoned to work, save by the Departments of Labor Distribution, only when chosen for a position by a Soviet institution or enterprise.

18. Vacancies may be filled by election when the work offered requires political reliability or unusual special knowledge, for which the person elected is noted.

19. Persons engaged for work by election must register in the Department of Labor Distribution before they are accepted, but they shall not be subject to the rules concerning probation set forth in Article IV of the present Code.

20. Unemployed persons shall be assigned to work through the Departments of Labor Distribution in the manner stated in sections 21-30.

21. A wage earner who is not engaged on

work at his vocation shall register in the local Department of Labor Distribution as unemployed.

22. Establishments and individuals in need of workers should apply to the local Department of Labor Distribution or its division (Correspondence Bureau) stating the condition of the work offered as well as the requirements which the workmen must meet (trade, knowledge, experience).

23. The Department of Labor Distribution, on receipt of the application mentioned in section 22, shall assign the persons meeting the requirements thereof in the order determined by the same.

24. An unemployed person has no right to refuse an offer of work at his vocation, provided the working conditions conform with the standards fixed by the respective tariff regulations, or in the absence of the same by the trade unions.

25. A wage worker engaged for work for a period of not more than two weeks, shall be considered unemployed, and shall not lose his place on the list of the Department of Labor Distribution.

26. Should the local Department of Labor Distribution have no workers on its lists meeting the stated requirements, the application must be immediately sent to the District Exchange Bureau, and the establishment or individual offering the employment shall be simultaneously notified to this effect.

27. Whenever workers are required for work outside of their district, a roll-call of the unemployed registered in the Department of Labor Distribution shall take place, to ascertain who are willing to go; if a sufficient number of such should not be found, the Department of Labor Distribution shall assign the lacking number from among the unemployed in the order of their registration, provided that those who have dependents must not be given preference, before single persons.

28. If in the Departments of Labor Distribution, within the limits of the district, there be no workmen meeting the requirements, the District Exchange Bureau has the right, upon agreement with the respective trade union, to send unemployed of another class approaching as nearly as possible the trade required.

29. An unemployed person who is offered work outside his vocation shall be obliged to accept it, on the understanding, if he so wishes, that this be only temporary, until he receives work at his vocation.

30. A wage earner who is working outside his specialty, and who has stated his wish that this be only temporary, shall retain his place on the register on the Department of Labor Distribution until he gets work at his vocation.

31. Private individuals violating the rules of labor distribution set forth in this article shall be punished by the order of the local board of the Department of Labor Distribution by a fine of not less than 300 rubles or by

arrest for not less than one week. Soviet establishments and officials violating these rules on labor distribution shall be liable to criminal prosecution.

ARTICLE IV.

Probation Periods.

32. Final acceptance of workers for permanent employment shall be preceded by a period of probation of not more than six days; in Soviet institutions the probation period shall be two weeks for unskilled and less responsible work and one month for skilled and responsible work.

33. According to the results of the probation the wage earner shall either be given a permanent appointment, or rejected with payment for the period of probation in accordance with the tariff rates.

34. The results of the probation (acceptance or rejection) shall be communicated to the Department of Labor Distribution.

35. Up to the expiration of the probation period, the wage earner shall be considered as unemployed, and shall retain his place on the eligible list of the Department of Labor Distribution.

36. A person who, after probation, has been rejected, may appeal against this decision to the union of which he is a member.

37. Should the trade union consider the appeal mentioned in the preceding section justified, it shall enter into negotiations with the establishment or person who has rejected the

wage earner, with the request to accept the complainant.

38. In case of failure of negotiations mentioned in section 37, the matter shall be submitted to the local Department of Labor, whose decision shall be final and subject to no further appeal.

39. The Department of Labor may demand that the person or establishment who have without sufficient reason rejected a wage earner provide the latter with work. Furthermore, it may demand that the said person or establishment compensate the wage earner according to the tariff rates for the time lost between his rejection and his acceptance pursuant to the decision of the Department of Labor.

ARTICLE V.

Transfer and Discharge of Wage Earners.

40. The number of wage earners in all enterprises, establishments, or institutions employing paid labor can take place only if it is required in the interest of the business and by the decision of the proper organ of management.

Note. This rule does not apply to work with private individuals employing pa'd labor, if the work is of the subdivisions mentioned in "b" and "c" of section 6.

41. The transfer of a wage earner to other work within the enterprise, establishment or institution where he is employed may be ordered by the managing organs of said enterprise, establishment or institution.

42. The transfer of a wage earner to another enterprise, establishment or institution situated in the same or in a different locality, may be ordered by the corresponding organ of management with the consent of the Department of Labor Distribution.

43. The order of an organ of management to transfer a wage earner as mentioned in section 40 may be appealed from to the respective Department of Labor (local or district) by the interested individuals or organizations.

44. The decision of the Department of Labor in the matter of the transfer of a wege earner may be appealed from by the interested parties to the District Department of Labor or to the People's Commissariat of Labor, whose decision in the matter in dispute is final and not subject to further appeal.

45. In case of urgent public work the District Department of Labor may, in agreement with the respective professional unions and with approval of the People's Commissariat of Labor, order the transfer of a whole group of wage earners from the organization where they are employed to another situated in the same or in a different locality, provided a sufficient number of volunteers for such work cannot be found.

46. The discharge of wage earners from an enterprise, establishment or institution where they have been employed is permissible in the following cases:

(a) In case of complete or partial liquidation of the enterprise, establishment or institution, or of cancellation of certain orders or work;

(b) In case of suspension of work for more than a month;

(c) In case of expiration of term of employment or of completion of the job, if the work was of a temporary character;

(d) In case of evident unfitness for work, by special decision of the organs of management and subject to agreement with the respective professional unions.

(e) By request of the wage earner.

47. The organ of management of the enterprise, establishment or institution where a wage earner is employed, or the person for whom a wage earner is working must give the wage earner two weeks' notice of the proposed discharge, for the reasons mentioned in "a," "b" and "d" of section 46, notifying simultaneously the local Department of Labor Distribution.

48. A wage earner discharged for the reasons mentioned in subdivisions "a," "b" and "d" of section 46 shall be considered unemployed and entered as such on the lists of the Department of Labor Distribution and shall continue to perform his work until the expiration of the term of two weeks mentioned in the preceding section.

49. The order to discharge an employe for the reasons mentioned in subdivisions "a," "b" and "d" of section 46 may be appealed from by the interested persons to the Local Department of Labor.

50. The decision of the Local Department of Labor on the question of discharge may be appealed from by either party to the District Department of Labor, whose decision on the question in dispute is final and not subject to further appeal.

51. Discharge by request of the wage earner from enterprise, establishment or institution must be preceded by an examination of the reasons for the resignation by the respective

organ of workmen's self-government (works and other committees).

Note. This rule does not apply to the resignation of a wage earner employed by an individual, if the work is of the character mentioned in subdivisions "b" and "c" of section 6.

52. If the organ of workers' self-government (works or other committee) after investigating the reasons for the resignation finds the resignation unjustified the wage earner must remain at work, but may appeal from the decision of the committee to the respective professional union.

53. A wage earner who quits work contrary to the decision of the Committee, pursuant to section 52, shall forfeit for one week the right to register with the Department of Labor Distribution.

54. Institutions and persons employing paid labor shall inform in each case when a wage earner quits work the Local Department of Labor Distribution and the professional union of which the wage earner is a member, stating the date and the reason thereof.

ARTICLE VI.

Remuneration of Labor.

55. The remuneration of wage earners for work in enterprises, establishments and institutions employing paid labor, and the detailed conditions and order of payment shall be fixed by tariffs worked out for each kind of labor in the manner described in sections 7-9 of the present Code.

56. All institutions working out the tariff rates must comply with the provisions of this article of the Code of Labor Laws.

57. In working out the tariff rates and determining the standard remuneration rates, all the wage earners of a trade shall be divided into groups and categories and a definite standard of remuneration shall be fixed for each of them.

58. The standard of remuneration fixed by the tariff rates must be at least sufficient to cover the minimum living expenses as determined by the People's Commissariat of Labor for each district of the Russian Socialist Federated Soviet Republic and published in the Compilation of Laws and Regulations of the Workmen's and Peasants' Government.

59. In determining the standard of remuneration for each group and category attention shall be given to the kind of labor, the danger of the conditions, under which the work is per-

formed, the complexity and accuracy of the work, the degree of independence and responsibility as well as the standard of education and experience required for the performance of the work.

60. The remuneration of each wage earner shall be determined by his classification in a definite group and category.

61. The classification of wage earners into groups and categories within each branch of labor shall be done by special valuation commissions, local and central, established by the respective professional organizations.

Note. The procedure of the valuation commissions shall be determined by the People's Commissariat of Labor.

62. The tariff regulations shall fix the standard of remuneration for a normal working day or for piecework, and particularly the remuneration for overtime work.

63. Remuneration for piece work shall be computed by dividing the daily tariff rate by the number of pieces constituting the production standard.

64. The standard of remuneration fixed for overtime work shall not exceed time and a half of the normal remuneration.

65. Excepting the remuneration paid for overtime work done in the same or in a different branch of labor, no additional remuneration in excess of the standard fixed for a given group and category shall be permitted, irre-

spective of the pretext and form under which it might be offered and whether it be paid in only one or in several places of employment.

66. Persons working in several places must state in which place of employment they wish to receive their pay.

67. Persons receiving excessive remuneration, in violation of section 65, shall be liable to criminal prosecution for fraud, and the remuneration received in excess of the normal (standard) may be deducted from subsequent payments.

68. From the remuneration of the wage earner may be deducted the excess remuneration received in violation of section 65, and the remuneration earned by the wage earner during his vacation; deduction may also be made for cessation of work.

69. No other deductions, except those mentioned in section 68, shall be permitted, irrespective of the form or pretext under which they might be made.

70. Payment of remuneration must not be made in advance.

71. If the work is steady, payment for the same must be made periodically, at least once in every fortnight. Remuneration for temporary work and for special jobs provided the same continues at least for two weeks, shall be paid immediately upon completion of work.

72. Payments shall be made in money or in kind (lodgings, food supplies, etc).

73. To make payments in kind special per-

mission must be obtained from the Local Department of Labor which shall determine the rates jointly with the rsepctive trade unions.

Note. The rates thus determined must be based on the standard prices fixed by the respective institutions of the Soviet authority (valuation commissions of the Commissiarat of Victuals, Land and Housing Department, Price Committee, etc.).

74. Payments must take place during working hours.

75. Payments must be made at the place of work.

76. The wage earner shall be paid only for actual work done. If a cessation of work is caused during the working day by circumstances beyond the control of the wage earner (through accident or through the fault of the administration), he shall be paid for the time lost on the basis of the daily tariff rates, if he does time work, or on the basis of his average daily earning, if he does piece work.

77. A wage earner shall be paid his wage during leave of absence (sections 106-107).

78. During illness of a wage earner the remuneration due him shall be paid as a subsidy from the hospital funds.

Note. The manner of payment of the subsidy is fixed by rules appended hereto.

79. Unemployed shall receive a subsidy out of the funds for unemployed.

Note. Rules concerning unemployed and the payment of subsidies to them are appended

hereto.

80. Every wage earner must have a labor booklet in which all matters pertaining to the work done by him as well as the payments and subsidies received by him are entered.

Note. Rules regarding labor booklets for wage earners are appended hereto.

ARTICLE VII.

Working Hours.

81. Working hours are regulated by the tariff rules made for each kind of labor, in the manner described in sections 7-9 of the Present Code.

82. The rules for working hours must conform with the provisions of this article of the Code of Labor Laws.

83. A normal working day shall mean the time fixed by the tariff regulations for the production of a certain amount of work.

84. The duration of a normal working day must in no case exceed eight hours for day work and seven hours for night work.

85. The duration of a normal day must not exceed six hours: (a) for persons under 18 years of age, and (b) in especially hard or health-endangering branches of industry (note section 14 of the present Code).

86. During the normal working day time must be allowed for meals and for rest.

87. During recess machines, beltings and lathes must be stopped, unless this be impossible owing to technical conditions or in cases where these machines, beltings, etc., serve for ventilation, drainage, lighting, etc.

88. The time of recess fixed by section 86 is not included in the working hours.

89. The recess must take place not later than four hours after the beginning of the working day, and must continue not less than a half hour and not more than two hours.

Note. Additional intermissions every three hours, and for not less than a half hour, must be allowed for working women nursing children.

90. The wage earners may use their free time at their own discretion. They shall be allowed recess to leave the place of work.

91. In case the nature of the work is such that it requires a working day in excess of the normal, two or more shifts shall be engaged.

92. Where there are several shifts, each shift shall work the normal working hours; the change of shifts must take place during the time fixed by the rules of the international management without interfering with the normal course of work.

93. As a general rule, work in excess of the normal hours (overtime work) shall not be permitted.

94. Overtime work may be permitted in the following exceptional cases:

(a) Where the work is necessary for the prevention of a public calamity or in case the existence of the Soviet Government of the R. S. F. S. R. or human life is endangered;

(b) An emergency, public work in relation to water supply, lighting, sewerage or transportation, in case of accident or extraordinary interruption of their regular operation;

(c) When it is necessary to complete work which owing to unforeseen or accidental delay due to technical condition of production, could not be completed during the normal working hours. If leaving the work uncompleted would cause damage to materials or machinery;

(d) On repairs or renewals of machine parts or construction work, wherever necessary to prevent stoppage of work by a considerable number of wage earners.

95. In the case described in subdivision "c" of section 94, overtime work is permissible only with the consent of the respective trade union.

96. For overtime work described in subdivision "d" of section 94 permission must be obtained from the local labor inspection, in addition to the permit mentioned in the preceding section.

97. No females and no males under 18 years of age may do any overtime work.

98. The time spent on overtime work in the course of two consecutive days must not exceed 4 hours.

99. No overtime work shall be permitted to make up for a wage earner's tardiness in reporting at his place of work.

100. All overtime work done by a wage earner, as well as the remuneration received by him for the same, must be recorded in his labor booklet.

101. The total number of days on whch overtime may be permitted in any enterprise,

establishment or institution must not exceed 50 days per annum, including such days when even one wage earner worked overtime.

102. Every enterprise, establishment or institution must keep a special record book for overtime work.

103. All wage earners must be allowed a weekly uninterrupted rest of not less than 42 hours.

104. No work shall be done on specially designated holidays.

Note. Rules concerning holidays and days of weekly rest are appended hereto.

105. On the eve of rest days the normal working day shall be reduced by two hours.

Note. This section shall not apply to institutions and enterprises where the working day does not exceed six hours.

106. Every wage earner who has worked without interruption not less than six months shall be entitled to leave of absence for two weeks, irrespective of whether he worked in only one or in several enterprises, establishments or institutions.

107. Every wage earner who has worked without interruption not less than a year shall be entitled to leave of absence for one month, irrespective of whether he worked in only one or in several enterprises, establishments or institutions.

Note. Sections 106 and 107 shall take effect beginning January 1, 1919.

108. Leave of absence may be granted during the whole year, provided that the same does not interfere with the normal course of work in enterprise, establishment or institution.

109. The time and order in which leave of absence may be granted shall be determined by agreement between the management of enterprise, establishment or institution and proper self-government bodies of the wage earners (works and other committees).

110. A wage earner shall not be allowed to work for remuneration during his leave of absence.

111. The remuneration of a wage earner earned during his leave of absence shall be deducted from his regular wages.

112. The absence of a wage earner from work caused by special circumstances and permitted by the manager shall not be counted as leave of absence; the wage earner shall not be paid for the working hours lost in such cases.

ARTICLE VIII.

Methods to Assure Efficiency of Labor.

113. In order to assure efficiency of labor, every wage earner working in an enterprise, establishment or institution (governmental, public or private) employing labor in the form of organized collaboration, as well as the administration of the enterprise, establishment or institution, shall strictly observe the rules of this article of the Code relative to standards of efficiency, output and rules of internal management.

114. Every wage earner must during a normal working day and under normal working conditions perform the standard amount of work fixed for the category and group in which he is enrolled.

Note. Normal conditions referred to in this section shall mean:

(a) Good condition of machines, lathes and accessories;

(b) Timely delivery of material and tools necessary for the performance of the work;

(d) Proper hygienic and sanitary equipment of the building where the work is performed (necessary lighting, heating, etc.).

115. The standard output for wage earners of each trade and of each group and category shall be fixed by valuation commissions of the

respective trade unions (section 62).

116. In determining the standard output the valuation commission shall take into consideration the quantity of products usually turned out in the course of a normal working day and under normal technical conditions by the wage earners of the particular trade group and category.

117. The production standards of output adopted by the valuation commission must be approved by the proper Department of Labor jointly with the Council of National Economy.

118. A wage earner systematically producing less than the fixed standard may be transferred by decision of the proper valuation commission to other work in the same group and category, or to a lower group or category, with a corresponding reduction of wages.

Note. The wage earner may appeal from the decision to transfer him to lower group or category with a reduction of wages, to the local Department of Labor and from the decision of the latter to the District Department of Labor, whose decision shall be final and not subject to further appeal.

119. If a wage earner's failure to maintain the standard output be due to lack of good faith and to negligence on his part, he may be discharged in the manner set forth in subdivision "d" of section 46 without the two weeks' notice prescribed by section 47.

120. The Supreme Council of National Economy jointly with the People's Commissariat of

Labor may direct a general increase or decrease of the standards of efficiency and output for all wage earners and for all enterprises, establishments and institutions of a given district.

121. In addition to the regulations of the present article relative to standards of efficiency and output in enterprises, establishments and institutions, efficiency of labor shall be secured by rules of internal management.

122. The rules of internal management in Soviet institutions shall be made by the organs of Soviet authority with the approval of the People's Commissariat of Labor or its local departments.

123. The rules of internal management in industrial enterprises and establishments (Soviet, nationalized, private and public) shall be made by the trade unions and certified by the proper Departments of Labor.

124. The rules of internal management must include clear, precise and, as far as possible, exhaustive directions in relation to—

(a) The general obligations of all wage earners (careful handling of all materials and tools, compliance with instructions of the managers regarding performance of work, observance of the fixed standard of working hours, etc.);

(b) The special duties of the wage earners of the particular branch of industry (careful handling of the fire in enterprises using inflammable material, observance of special cleanli-

ness in enterprises producing food products, etc.);

(c) The limits and manner of liability for breach of the above duties mentioned above in subdivisions "a" and "b."

125. The enforcement of the rules of internal management in Soviet institutions is entrusted to the responsible managers.

126. The enforcement of the rules of internal management in industrial enterprises and establishments (Soviet, nationalized, public or private) is entrusted to the self-government bodies of the wage earners (works or similar committees).

ARTICLE IX.

Protection of Labor.

127. The protection of life, health and labor of persons engaged in any economic activity is entrusted to the labor inspection—the technical inspectors and the representatives of sanitary inspection.

128. The labor inspection is under the jurisdiction of the People's Commissariat of Labor and its local branches (Departments of Labor) and is composed of elected labor inspectors.

129. Labor inspectors shall be elected by the Councils of Professional Unions.

Note I. The manner of election of labor inspectors shall be determined by the People's Commissariat of Labor.

Note II. In districts where there is no Council of Trade Unions, the Local Department of Labor shall summon a conference of representatives of the trade unions which shall elect the labor inspectors.

130. In performing the duties imposed upon them concerning the protection of the lives and health of wage earners the officers of labor inspection shall enforce the regulations of the present Code, and decrees, instructions, orders and other acts of the Soviet power intended to safeguard the lives and health of the workers.

131. For the attainment of the purposes

stated in section 130 the officers of labor inspection are authorized—

(a) To visit at any time of the day or night all the industrial enterprises of their districts and all places where work is carried on, as well as the buildings provided for the workmen by the enterprise (rooming houses, hospitals, asylums, baths, etc.);

(b) To demand of the managers of enterprises or establishments, as well as of the elective organs of the wage earners (works and similar committees) of those enterprises or establishments in the management of which they are participating, to produce all necessary books, records and information;

(c) To draw to the work of inspection representatives of the elective organizations of employes, as well as officials of the administration (managers, superintendents, foremen, etc.);

(d) To bring before the criminal court all violators of the regulations of the present Code, or of the decrees, instructions, orders and other acts of the Soviet authority intended to safeguard the lives and health of the wage earners;

(e) To assist the trade unions and works committees in their efforts to ameliorate the labor condition in individual enterprises as well as in whole branches of industry.

132. The officers of labor inspection are authorized to adopt special measures, in addition to the measures mentioned in the preced-

ing section for the removal of conditions endangering the lives and health of workmen, even if such measures have not been provided for by any particular law or regulation, instructions or order of the People's Commissariat of Labor or of the Local Department of Labor.

Note. Upon taking special measures to safeguard the lives and health of wage earners, as authorized by the present section, the officers of inspection shall immediately report to the Local Department of Labor, which may either approve these measures or reject them.

133. The scope and the forms of activity of the organs of labor inspection shall be determined by instructions and orders issued by the People's Commissariat of Labor.

134. The enforcement of the instructions, rules and regulations relating to safety is entrusted to the technical inspectors.

135. The technical inspectors shall be appointed by the Local Departments of Labor from among engineering specialists; these inspectors shall perform within the territory under their jurisdiction the duties prescribed by section 31 of the present Code.

136. The technical inspectors shall be guided in their activity, besides the general regulations, by the instructions and orders of the People's Commissariat of Labor and by the instructions issued by the technical division of the Local Department of Labor.

137. The activity of the sanitary inspection

shall be determined by instructions issued by the People's Commissariat of Health Protection in conference with the People's Commissariat of Labor.

APPENDIX TO SECTION 79.

Rules Concerning Unemployed and Payment of Subsidies.

1. An "unemployed" shall mean every citizen of the Russian Socialist Federated Soviet Republic subject to labor duty who is registered with the local Department of Labor Distribution as being out of work at his vocation or at the remuneration fixed by the proper tariff.

2. An "unemployed" shall likewise mean:

(a) Any person who has obtained employment for a term of not exceeding two weeks (section 25 of the present Code);

(b) Any person who is temporarily employed outside his vocation, until he shall obtain work at his vocation (sections 29 and 30 of the present Code).

3. The rights of unemployed shall not be extended—

(a) To persons who in violation of sections 2, 24 and 29 of the present Code, have evaded the labor duty, and refused work offered to them;

(c) To persons who have wilfully quit work, for the term specified in section 54 of the present Code.

4. All persons described in section 1 and subdivision "b" of section 2 of these rules shall be entitled to permanent employment (for a

term exceeding two weeks) at their vocations in the order of priority determined by the list of the Department of Labor Distribution for each vocation.

5. Persons described in section 1 and subdivision "b" of article 2 of these rules shall be entitled to a subsidy from the local fund for unemployed.

6. The subsidy to unemployed provided in section 1 of the present rules shall be equal to the remuneration fixed by the tariff for the group and category on which the wage earner was assigned by the valuation commission (section 61).

Note. In exceptional cases the People's Commissariat of Labor may reduce the unemployed subsidy to the minimum of living expenses as determined for the district in question.

7. A wage earner employed temporarily outside of his vocation (subdivision "b" of section 2) shall receive a subsidy equal to the difference between the remuneration fixed for the group and category in which he is enrolled and his actual remuneration, in case the latter be less than the former.

8. An unemployed who desires to avail himself of his right to a subsidy shall apply to the local funds for unemployed and shall present the following documents: (a) his resignation card from the local Department of Labor Distribution; and (b) a certificate of the valuation commission showing his assignment to a

definite group and category of wage earners.

9. Before paying the subsidy the local funds for unemployed shall ascertain, through the Department of Labor Distribution and the respective trade union, the extent of applicant's unemployment and the causes thereof, as well as the group and category to which he belongs.

10. The local funds for unemployed may for good reasons, deny the application for a subsidy.

11. If an application is denied, the local fund for unemployed shall, within three days from the filing of the application, inform the applicant thereof.

12. The decision of the local fund for unemployed may within two weeks, be appealed from by the interested parties to the local Department of Labor, and the decision of the latter may be appealed from to the District Department of Labor. The decision of the District Department of Labor is final and subject to no further appeal.

13. The payment of the subsidy to an unemployed shall commence only after he has actually been laid off and not later than after the fourth day.

14. The subsidies shall be paid from the fund of unemployed insurance.

15. The fund of unemployment insurance shall be made up,

(a) from obligatory payments by all enterprises, establishments and institutions employing paid labor;

(b) from fines imposed for default in such payments;

(c) from casual payments.

16. The amount and the manner of collection of the payments and fines mentioned in section 15 of these rules shall be determined every year by a special order of the People's Commissariat of Labor.

APPENDIX TO SECTION 80.

Rules Concerning Labor Booklets.

1. Every citizen of the Russian Socialist Federated Soviet Republic, upon assignment to a definite group and category (section 62 of the present Code), shall receive, free of charge, a labor booklet.

Note. The form of the labor booklets shall be worked out by the People's Commissariat of Labor.

2. Each wage earner, on entering the employment of an enterprise, establishment or institution employing paid labor, shall present his labor booklet to the management thereof, and on entering the employment of a private individual—to the latter.

Note. A copy of the labor booklet shall be kept by the management of the enterprise, establishment, institution or private individual by whom the wage earner is employed.

3. All work performed by a wage earner during the normal working day as well as piece work or overtime work, and all payments received by him as a wage earner (remuneration in money or in kind, subsidies from the unemployment and hospital funds), must be entered in his labor booklet.

Note. In the labor booklet must also be entered the leaves of absence and sick leave of the wage earner, as well as the fines imposed

on him during and on account of his work.

4. Each entry in the labor booklet must be dated and signed by the person making the entry, and also by the wage earner (if the latter is literate), who thereby certifies the correctness of the entry.

5. The labor booklet shall contain:

(a) The name, surname and date of birth of the wage earner;

(b) The name and address of the trade union of which the wage earner is a member;

(c) The group and category to which the wage earner has been assigned by the valuation commission.

6. Upon the discharge of a wage earner, his labor booklet shall under no circumstances be withheld from him. Whenever an old booklet is replaced by a new one, the former shall be left in possession of the wage earner.

7. In case a wage earner loses his labor booklet, he shall be provided with a new one into which shall be copied all the entries of the lost booklet; in such a case a fee determined by the rules of internal management may be charged to the wage earner for the new booklet.

8. A wage earner must present his labor booklet upon the request:

(a) Of the managers of the enterprise, establishment or institution where he is employed;

(b) Of the Department of Labor Distribution;

(c) Of the trade union;

(d) Of the officials of workmen's control and of labor protection;

(e) Of the insurance offices or institutions acting as such.

APPENDIX TO SECTION 5.

Rules for the Determination of Disability for Work.

1. Disability for work shall be determined by an examination of the applicant by the Bureau of Medical Experts, in urban districts, or by the provincial insurance offices, accident insurance offices or institutions acting as such.

Note. In case it be impossible to organize a Bureau of Medical Experts at any insurance office, such a Bureau may be organized at the Medical Sanitary Department of the local Soviet, provided, however, that the said Bureau shall be guided in its actions by the general rules and instructions for insurance offices.

2. The staff of the Bureau of Experts shall include:

(a) Not less than three specialists in surgery;

(b) Representatives of the Board of Directors of the office;

(c) Sanitary mechanical engineers appointed by the Board of the office;

(d) Representatives of the trade unions.

Note. The specialists in surgery on the staff of the Bureau shall be recommended by the medical sanitary department, with the consent of the Board of Directors, preferably from among the surgeons connected with the hospital funds, and shall be confirmed by a delegates' meeting of the office.

3. During the examination of a person at the Bureau of the Medical Commission, all persons who have applied for the examination may be present.

4. An applicaton for the determination of the loss of working ability may be made by any person or institution.

5. Applications for examination shall be made to the insurance office nearest to the residence of the person in question.

6. Examinations shall take place in a special room of the insurance office.

Note. If the person to be examined cannot be brought to the insurance office, owing to his condition, the examination may take place at his residence.

7. Every person who is to be examined at the Bureau of Medical Experts shall be informed by the respective insurance office of the day and hour set for the examination and of the location of the section of the Bureau of Medical Experts where the same is to take place.

8. The Bureau of Medical Experts may use all methods approved by medical science for determining disability for work.

9. The Bureau of Medical Experts shall keep detailed minutes of the conference meetings, and the record embodying the results of the examinations shall be signed by all members of the Bureau.

10. A person who has undergone an examination and has been found unfit for work shall

receive a certificate from the Bureau of Medical experts.

Note. A copy of the certificate shall be kept in the files of the Bureau.

11. The records as well as the certificates shall show whether the disability is of a permanent or temporary character. If the disability for work be temporary, the record and certificate shall show the date set for examination.

12. After the disability for work has been certified the proper insurance office shall inform thereof the Department of Social Security of the local Soviet, stating the name, surname and address of the person disabled, as well as the character of the disability (whether temporary or permanent).

13. The decision of the Bureau of Medical Experts certifying or denying the disability of the applicant may be appealed from by the interested parties to the People's Commissariat of Health Protection.

14. The People's Commissariat of Health Protection may either dismiss the appeal or issue an order for the reexamination of appellant by a new staff of the Bureau of Experts.

15. The decision of the new staff of the Bureau of Experts shall be final and subject to no further appeal.

16. Reexaminations to establish the recovery of working ability shall be conducted in the same manner as the first examination, with the observance of the regulations of the present article of the Code.

17. The expenses incurred in connection with the examination of an insured person shall be charged to the respective insurance office. The expenses incurred in connection with the examination of a person not insured shall be charged to the respective enterprise, establishment or institution.

18. The People's Commissariat of Labor may, if necessary, modify or amend the present rules for the determination of disability for work.

Rules concerning payment of sick benefits (subsidies) to Wage Earners:

1. Every wave earner shall receive in case of sickness a subsidy and medical aid from the local hospital fund of which he is a member.

Note I. Each person may be a member of only one insurance fund at a time.

Note II. A person who has been ill outside the district of the local hospital fund of which he is a member shall receive the subsidy from the hospital fund of the district in which he has been taken ill. All expenses thus incurred shall be charged to the hospital fund of which the particular person is a member.

2. The sick benefits shall be paid to a member of a hospital fund from the first day of his sickness until the day of his recovery, with the exception of those days during which he has worked and accordingly received remuneration from the enterprise, establishment or institution where he is employed.

3. The sick benefit shall be equal to the remuneration fixed for a wage earner of the

respective group and category.

Note I. The group and category in which the wage earner is enrolled shall be ascertained by the local hospital fund through the Department of Labor Distribution or through the trade unions.

Note II. The subsidy for pregnant women and those lying-in shall be fixed by special regulations of the People's Commissariat of Labor.

Note III. In exceptional cases the People's Commissariat of Labor may reduce the subsidy to the minimum of living expenses as determined for the respective district.

4. Besides the subsidies, the hospital funds shall also provide for their members free medical aid of every kind (first aid, ambulatory treatment, home treatment, treatment in sanatoria or resorts, etc.).

Note. To secure medical aid any hospital fund may, independently or in conjunction with other local funds, organize and maintain its own ambulatories, hospitals, etc., as well as enter into agreements with individual physicians and establishments.

5. The resources of the local hospital funds shal be derived:

(a) From obligatory payments by enterprises, establishments and institutions (Soviet, public and private) employing paid labor:

(b) From fines for delay of payments;

(c) From profits on the investments of the funds;

(d) From casual payments.

Note. The resources of the local hospital funds shall be consolidated into one common fund of insurance against sickness.

6. The amount of the payments to local hospital funds by enterprises, establishments and institutions employing paid labor shall be periodically fixed by the People's Commissariat of Labor.

Note I. In case these obligatory payments be not paid within the time fixed by the local hospital funds, they shall be collected by the local Department of Labor; moreover, in addition to the sum due, a fine of 10 per cent thereof shall be imposed for the benefit of the hospital fund.

Note II. In case the delay be due to the fault of the responsible managers of the particular enterprise, establishment, or institution, the fine shall be collected from the personal means of the latter.

7. The decision of the hospital funds may be appealed from within two weeks to the Department of Labor. The decision of the Department of Labor shall be final and subject to no further appeal.

8. The People's Commissariat of Labor may, whenever necessary, change or amend the foregoing rules concerning sick benefits to wage earners.